

ATTACHMENT E – SECTION 106 HISTORIC ARCHITECTURAL CORRESPONDENCE



SR-126

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

June 11, 2013

Ms. Martha Carver
Tennessee Department of Transportation
505 Deaderick St/900
Nashville, Tennessee, 37243-0349

RE: FHWA, EFFECT DETERMINATION, ALTERNATIVE B MODIFIED/SR-126 IMPVTS./PIN#
105467.00, KINGSPORT, SULLIVAN COUNTY

Dear Ms. Carver:

Pursuant to your request, received on Wednesday, June 5, 2013, this office has reviewed documentation concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739)

Based on the information provided, we find that the project area contains a cultural resource eligible for listing in the National Register of Historic Places: Yancey's Tavern. We further find that the project as currently proposed will not adversely affect this resource. Unless project plans change, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional action, if any, is necessary.

I wish to take this opportunity to commend your on-going good work and that of Ms. Tammy Sellers in bringing this case to successful completion of Section 106 review. You both deserve great credit in melding the mission of your agency with that of historic preservation. Often, this is a difficult task, and you both accomplished it with remarkable diligence and fortitude. As Tennessee SHPO, I want you both to know how much I appreciate it.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 800, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

June 3, 2013

Mr. E. Patrick McIntyre
State Historic Preservation Officer
Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37243

SUBJECT: Addendum Documentation of Effects Pursuant to 36 CFR 800 and Section 4(f) Documentation
At Yancey's Tavern for Proposed Improvements to *State Route 126 from East Center Street*
To Interstate 81 in Kingsport, Sullivan County PIN 105467.00

Dear Mr. McIntyre:

Enclosed you will find an addendum report for the above referenced project. The addendum discusses the effects to one National Register listed property: Yancey's Tavern. In 2004, TDOT historians surveyed the Area of Potential Effects (APE) and inventoried 96 properties. In a 2005 report, it was the opinion of TDOT that one property, Yancey's Tavern, was listed in the National Register of Historic Places and one additional property, the Shipley-Jarvis House, was eligible for listing in the National Register of Historic Places. In a letter dated March 22, 2005, the Tennessee State Historic Preservation Officer (TN-SHPO) concurred with these findings.

In 2008, TDOT historians sent a Documentation of Effects report to your office and in that document stated that it was TDOT's opinion that the proposed project would not adversely affect the Shipley-Jarvis House and would adversely affect Yancey's Tavern. Your office agreed with TDOT's findings in a November 3, 2008 letter. In the 2008 report, the proposed project design adjacent to Yancey's Tavern indicated that a substantial number of graves in the East Lawn Funeral Home and Memorial Garden would be relocated. Due to the initial public response to the removal of graves and reburials, TDOT re-designed a segment of the roadway adjacent to Yancey's Tavern in June 2012, entitle Alternative B1. In June 2012, a TDOT historian wrote an addendum effects assessment to evaluate potential effects at Yancey's Tavern. In that addendum document, it was TDOT's opinion that the proposed Alternative B1 would still adversely affect Yancey's Tavern. In a letter dated June 13, 2012, the TN-SHPO agreed with TDOT's assessment.

In an effort to minimize harm to the historic property, TDOT is currently proposing Alternative B Modified and the enclosed document discusses the effects to the National Register listed Yancey's Tavern. It is the opinion of TDOT that the proposed Alternative B Modified would have an effect that is not adverse to the National Register listed property. Please review the addendum effects assessment pursuant to regulations set forth in 36 CFR 800 of the National Historic Preservation Act of 1966. We look forward to your comments. Thank you for your help in this matter.

Sincerely,

Martha Carver
Historic Preservation Manager



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
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JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

June 3, 2013

SUBJECT: Addendum Documentation of Effects Pursuant to 36 CFR 800 and Section 4(f) Documentation
At Yancey's Tavern for Proposed Improvements to *State Route 126 from East Center Street*
To Interstate 81 in Kingsport, Sullivan County PIN 105467.00

To Whom It May Concern:

The Tennessee Department of Transportation is proposing to improve State Route 126 from East Cedar Street to Interstate 81 in Kingsport. The enclosed document addresses the effects of Alternative B Modified to the National Register listed Yancey's Tavern. The proposed Alternative B Modified is being proposed by TDOT in an effort to minimize impacts to both Yancey's Tavern and the East Lawn Memorial Garden.

A federal law, the National Historic Preservation Act of 1966, requires that for road projects with federal funds, TDOT should identify and work to protect properties that are considered historic. Under this law, "historic" is defined as those properties that are listed in or eligible for listing in the National Register of Historic Places. Because of these laws, TDOT has staff historians that review all projects that have federal funding. Since this project includes federal money, a staff historian for TDOT surveyed the general project area in an attempt to identify historic properties which could be impacted by the proposed project.

The enclosed report discusses the survey findings. You are receiving this report because TDOT has identified you as a Sullivan County party or individual with historic preservation interests. The Advisory Council on Historic Preservation Regulations specify that members of the public with interests in an undertaking and its effects on historic properties should be given reasonable opportunity to have an active role in the Section 106 process. As such, TDOT would like to give you the opportunity to participate in that process. If you would like to learn more about the historic review process go to <http://www.achp.gov> for additional information.

If you have any comments on historic issues related to this project, please write me. Federal regulations provide that you have thirty days to respond from the receipt of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Sellers".

Tammy Sellers
Historic Preservation Supervisor

Enclosure
cc: Mr. Patrick McIntyre, TN-SHPO

TENNESSEE DEPARTMENT OF TRANSPORTATION

**Addendum Documentation of Effects Pursuant to 36 CFR 800
And Section 4(f) Documentation**

For Proposed Improvements to:

***State Route 126 from East Center Street
To Interstate 81 in Kingsport***

Sullivan County

PIN 105467.00



May 2013

Tammy Sellers
Tennessee Department of Transportation
Environmental Division
Suite 900 James K. Polk Building
Nashville, TN 37243-0334
Phone: (615) 741-5367

Addendum Documentation of Effects Pursuant to 36 CFR 800 and Section 4(f) Documentation

For Proposed Improvements to:

*State Route 126 from East Center Street
To Interstate 81 in Kingsport*

Sullivan County

MANAGEMENT SUMMARY

The Tennessee Department of Transportation with funding made available through the Federal Highway Administration is proposing to improve State Route 126 from East Center Street to I-81 in Kingsport.

This addendum report discusses the effects to the National Register listed property: Yancey's Tavern located on State Route 126 outside of Kingsport. In 2004, TDOT historians surveyed the Area of Potential Effects (APE) and inventoried 96 properties. In a 2005 report, it was the opinion of TDOT that one property, Yancey's Tavern, was listed in the National Register of Historic Places and one additional property, the Shipley-Jarvis House, was eligible for listing in the National Register of Historic Places. In a letter dated March 22, 2005, the Tennessee State Historic Preservation Officer (TN-SHPO) concurred with these findings.

In 2008, TDOT historians sent a Documentation of Effects report to the TN-SHPO and in that document stated that it was TDOT's opinion that the proposed project would not adversely affect the Shipley-Jarvis House and would adversely affect Yancey's Tavern. The TN-SHPO agreed with TDOT's findings in a November 3, 2008 letter. In the 2008 report, the proposed project design adjacent to Yancey's Tavern indicated that a substantial number of graves in the East Lawn Funeral Home and Memorial Garden would be relocated. Due to the initial public response to the removal of graves and reburials, TDOT re-designed a segment of the roadway adjacent to Yancey's Tavern in June 2012, entitled Alternative B1. In June 2012, a TDOT historian wrote an addendum effects assessment to evaluate potential effects at Yancey's Tavern. In that addendum document, it was TDOT's opinion that the proposed Alternative B1 would still adversely affect Yancey's Tavern. In a letter dated June 13, 2012, the TN-SHPO agreed with TDOT's assessment.

In an effort to minimize harm to the historic property, TDOT is currently proposing **Alternative B Modified** and this document will discuss the effects to the National Register listed Yancey's Tavern.

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**Addendum Documentation of Effects Pursuant to 36 CFR 800
For Proposed Improvements to:**

***State Route 126 from East Center Street
To Interstate 81 in Kingsport***

Sullivan County

Statement of Determination

The Tennessee Department of Transportation with funding made available through the Federal Highway Administration is proposing to improve State Route 126 from East Center Street to I-81 in Kingsport.

This addendum report discusses the effects to the National Register listed property: Yancey's Tavern, located on State Route 126 outside of Kingsport. In 2004, TDOT historians surveyed the Area of Potential Effects (APE) and inventoried 96 properties. In a 2005 report, it was the opinion of TDOT that one property, Yancey's Tavern, was listed in the National Register of Historic Places and one additional property, the Shipley-Jarvis House, was eligible for listing in the National Register of Historic Places. In a letter dated March 22, 2005, the Tennessee State Historic Preservation Officer (TN-SHPO) concurred with these findings.

In 2008, TDOT historians sent a Documentation of Effects report to the TN-SHPO and in that document stated that it was TDOT's opinion that the proposed project would not adversely affect the Shipley-Jarvis House and would adversely affect Yancey's Tavern. The TN-SHPO agreed with TDOT's findings in a November 3, 2008 letter. In the 2008 report, the cross section for the alignment included four travel lanes adjacent to Yancey's Tavern and the preliminary plans indicated that a substantial number of graves in the East Lawn Funeral Home and Memorial Garden would be removed in order to keep from taking right-of-way from the National Register boundary of the historic tavern.

As the project evolved and more detailed information became available, two build alternatives were proposed in the draft Environmental Impact Statement (EIS) that meet the purpose and need as defined in the EIS (a copy of the draft EIS is available at <http://www.tdot.state.tn.us/sr126/docs/SR126MemorialBoulevardDEIS010912.pdf>, or is on file with the TDOT Environmental Division). Build Alternative A would improve State Route 126 largely on the existing alignment and includes a typical cross section of four-lane roadway (two travel lanes in each direction) within the commercial and residential areas of the western half of the study corridor. The eastern half of the corridor, which is rural in nature, would remain a two-travel lane facility. Build Alternative B is a variation of Alternative A. The key variations for this document is the reduction of the four-travel lane section for a length of approximately 0.5 miles and the use of retaining walls through the section of road between Yancey's Tavern and the East Lawn Funeral Home and Memorial Garden. These alternatives will be discussed in greater detail in the Project Background and Description Section of this document.

In 2012, the negative public response to the removal of graves and reburials caused TDOT to consider redesigning a segment of the roadway adjacent to Yancey's Tavern. The design of the project at the Shipley-Jarvis House did not change so the effects remain the same as described in the 2008 document. In an effort to avoid the removal of graves from the East Lawn Memorial Garden, TDOT re-designed the proposed project between Yancey's Tavern and the East Lawn Memorial Garden in June 2012.

In June 2012, Alternative B1 was proposed that did not require any additional right-of-way from the memorial garden but would have required right-of-way from the northern side of the State Route 126, and resulted in taking approximately one acre of right-of-way and 0.1 acre of permanent slope easements from Yancey's Tavern. Shifting the roadway alignment to the north would have also removed the majority of mature trees that currently shield the historic property from State Route 126. With this alternative, a required retaining wall—seven feet tall at its highest point—was proposed on the northern side of the roadway in front of the tavern. A cul-de-sac was also proposed for the existing Chestnut Ridge Road to the west of Yancey's Tavern, cutting Yancey's Tavern off from the two-lane road that it had been historically associated with. In a June 2012 report, it was the opinion of TDOT that the proposed Alternative B1 would have an adverse effect to the historic property based on the right-of-way take, height of the retaining wall, the introduction of a modern, urban roadway, and the removal of screening vegetation. On June 13, 2012, the TN-SHPO concurred with TDOT's adverse effect finding. Detailed documentation of this alternative is on file with the TDOT Historic Preservation Section and can be provided upon request.

Due to the potential adverse effect of Alternative B1, TDOT historians worked with the designers to minimize harm to the historic property, Yancey's Tavern. This design, entitled **Alternative B Modified**, will be studied in depth within this document to determine the effects it would have on Yancey's Tavern. According to the plans for Alternative B Modified, the proposed project would shift the right-of-way from Yancey's Tavern to the south onto the East Lawn Memorial Garden and Cemetery but would not be shifted so far to the south that occupied graves would need to be relocated. This would allow for only a small, temporary, construction easement within the National Register boundary of Yancey's Tavern and that construction easement would be returned to the current grade and appearance after construction is completed. A retaining wall would be required on both the north and south side of the proposed State Route 126; however, given the existing grade and elevation of the historic Yancey's Tavern only a short section of the wall would be visible from the house itself. Although little of the retaining wall will be visible from Yancey's Tavern, TDOT is proposing an aesthetic treatment to the wall that will be compatible with the historic landscape but will be minimalist in its design. TDOT will consult with the TN-SHPO and consulting parties in designing the retaining wall in order to get their review and comments on the proposed design feature. The cross-section in Alternative B Modified would also be reduced by the removal of the sidewalks on the northern side of State Route 126. Utilities will be relocated with this revised alternative and according to representatives from TDOT's Right-of-Way and Utilities Divisions there is sufficient space within that cross-section to relocate all utilities.

Federal laws require TDOT and FHWA to comply with Section 106 of the National Historic Preservation Act of 1966, as amended. Appendix A contains a fact sheet about Section 106. Regulations detailing the implementation of this act are codified at 36 CFR 800. This legislation requires TDOT and FHWA to identify any properties (either above-ground buildings, structures, objects, or historic sites or below ground archaeological sites) of historic significance. For the purposes of this legislation, historic significance is defined as those properties which are included in the National Register of Historic Places or which are eligible for inclusion in the National Register. Appendix B contains a copy of the National Register criteria, which are codified at 36 CFR 60.4. Once historic resources are identified, legislation requires these agencies to determine if the proposed project would affect the historic resource. Appendix C contains a copy of the Criteria of Effect as defined in 36 CFR 800.5. If the proposed project would have an adverse effect to a historic property, the legislation requires FHWA to provide the Advisory Council on Historic Preservation (an independent federal agency) an opportunity to

comment on the effect. Appendix D contains information on Section 4(f) of the U.S. DOT Act, as amended. This law prohibits the Secretary of Transportation from approving any project which requires the "use" of a historic property unless there is no prudent and feasible alternative to that use and unless the project includes all possible planning to minimize harm to the historic resources.

This document has been prepared in consultation with the TN-SHPO and will be circulated to the TN-SHPO, FHWA, and local individuals, agencies, or organizations with interests in historic and cultural resources.

The archaeology is contained in a separate document.

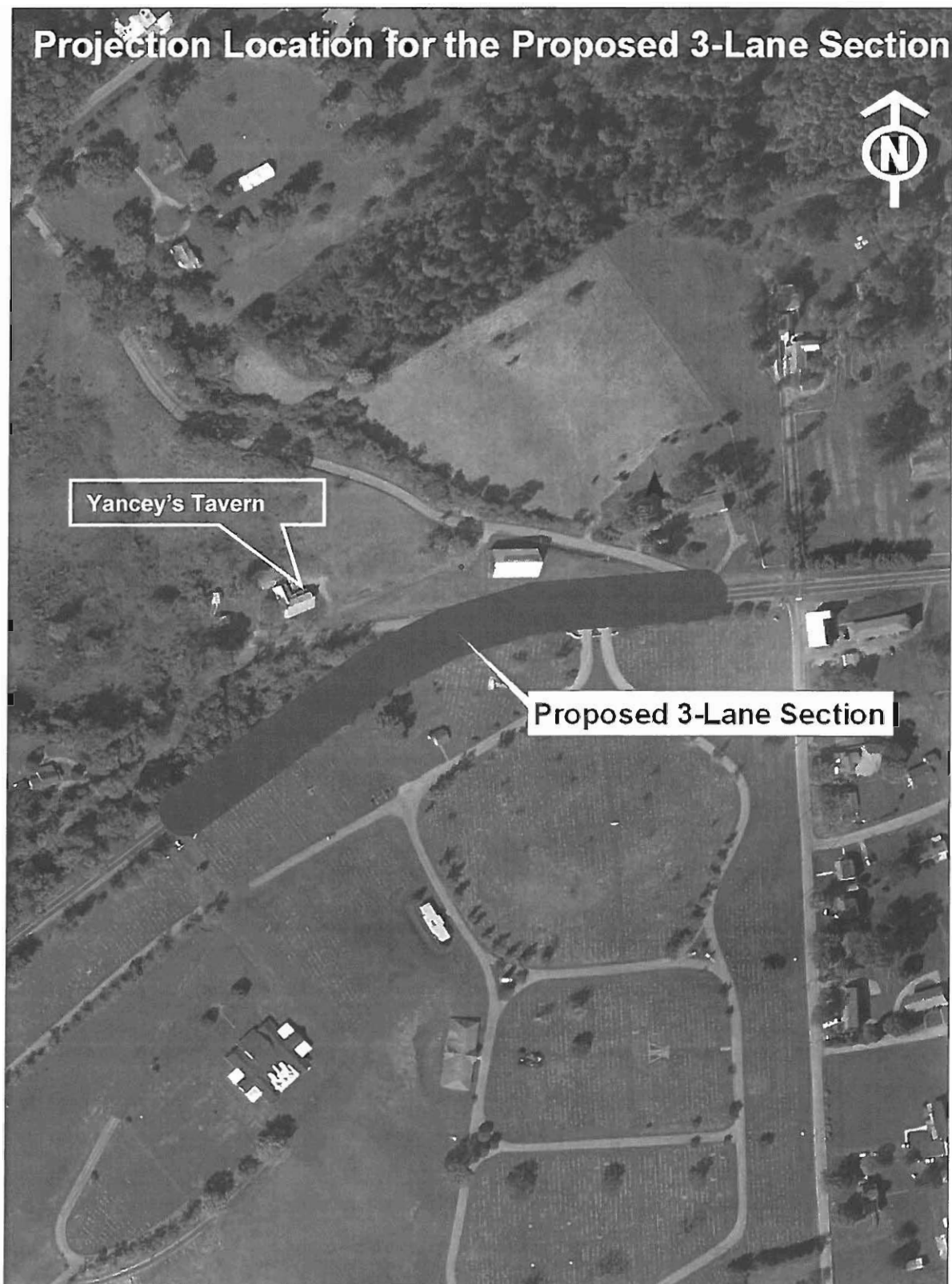


Figure 1: Project Location Map at Yancey's Tavern

Project Background and Description

The Tennessee Department of Transportation with funding made available through the Federal Highway Administration is proposing to improve State Route 126 from East Center Street to I-81 in Kingsport.

This project served as a Context Sensitive Solutions (CSS) pilot project with TDOT, and the CSS team recommended a four-lane, urban roadway with curb and gutter between the memorial garden and Yancey's Tavern. In 2008, the TDOT consultant provided functional plans indicating that the four-lane facility could be built between the memorial garden and the historic property without taking right-of-way from Yancey's Tavern. Since that time, it has been determined that right-of-way will be required in order to build the proposed project.

The following build alternative information was taken from the 2012 Draft EIS.

Build Alternative A

Build Alternative A improves SR 126 (Memorial Boulevard) to a four-lane facility (two travel lanes in each direction) within the commercial and residential areas of the western half of the study corridor. The eastern half of the study corridor, which is rural in nature, will remain a two-travel lane facility. Either a raised median or two way left turn lane (TWLTL) will be provided along the majority of the route. Improved shoulders will be provided along the entire corridor and sidewalks will be extended to the majority of the commercial and residential areas.

Several different typical cross sections are proposed along the SR126 (Memorial Boulevard) corridor. Additional right-of-way will be required along the entire corridor to accommodate the proposed improvements. . .

The proposed alignment of Alternative A generally follows the existing alignment. The proposed alignment shifts from side to side to minimize impacts, reduce earthwork volumes, simplify constructability, and improve the curvature of the roadway. Despite the effort to minimize impacts, considerable additional Right of Way will be required and many residences and businesses will need to be relocated. . .

In addition to the SR126 (Memorial Boulevard) roadway typical cross section and alignment improvements, several side road intersection approaches to SR126 (Memorial Boulevard) are improved. Many of these minor connections intersect SR 126 (Memorial Boulevard) at skewed angles. Realigning side road approaches to intersect to as close to 90 degrees as possible has proven visibility and safety benefits. . . Side Road approaches to SR 126 (Memorial Boulevard) to be realigned include:

Warpath Drive	Heather Lane	Natchez Lane
Miller Street	Old Stage Road	Harr Town Road
Orebank Road	Eaton Station Road	Adams Street
John B. Dennis Exit Ramp	Woods Way	Island Road

Several intersections are proposed to be closed along SR126 (Memorial Boulevard). These minor connections to SR 126 (Memorial Boulevard) will be rerouted to connect via improved intersections on neighboring roads. Closing these intersections will improve

access control and safety along the route due to the reduction of conflict points. . .
Intersections to be closed along SR 126 (Memorial Boulevard) include:

Edens Ridge Road
Hawthorne Street
Kent Street
Shuler Drive

Trinity Lane
Tanglewood Road
Holiday Road

Red Robin Lane
Gravel Top Road
Amy Avenue

The draft EIS continues to discuss each cross section that is being proposed under Build Alternative A. The following information discusses the proposed cross section for this build alternative in relation to Yancey's Tavern and the East Lawn Funeral Home and Cemetery and was taken directly from the draft EIS.

3. Harbor Chapel Road (L.M. 5.18) to Cooks Valley Road (L.M. 7.66)

The proposed cross section of this 2.5 mile long segment of SR 126 (Memorial Boulevard) from Harbor Chapel Road to Cooks Valley Road includes four travel lanes (two in each direction) and a raised grass median. The first 0.6 miles of this segment from Harbor Chapel Road to east of Old Stage Road includes four-foot wide paved shoulders, curb and gutter, and sidewalks on both sides of the roadway. The next 1.9 miles of this segment from east of Old Stage Road to Cooks Valley Road will not have curb and gutter, and instead will have roadside ditches for drainage. The shoulders will be eight feet wide, six feet of which will be paved. No sidewalks will be provided along this 1.9 mile segment between Old Stage Road and Cooks Valley Road due to the lack of properties fronting SR 126 (Memorial Boulevard). The travel lanes throughout the entire 2.5 mile long segment will be eleven feet wide. The four to six-foot wide paved shoulders will accommodate bicyclists. The design speed of this segment is 45 miles per hour.

Additional features in this section include intersection realignments and closings. Trinity Lane's intersection with SR 126 (Memorial Boulevard) will be closed. Access to SR 126 (Memorial Boulevard) will be provided via a new connection to Amy Avenue and Glenwood Street. Tanglewood's intersection with SR 126 (Memorial Boulevard) will be closed. Access to SR 126 (Memorial Boulevard) will be provided via a new connection to Briarwood Road. Old Stage road's approach to SR 126 (Memorial Boulevard) will be realigned to improve the skew of the intersection. Holiday Road's intersection with SR 126 (Memorial Boulevard) will be closed. Access to SR 126 (Memorial Boulevard) will be provided via a new connection between Parker Street and Old Parker Drive. The new connection will provide access to Peers Street and Lemay Drive. Shuler Drive's intersection with SR 126 (Memorial Boulevard) will also be closed. Access to SR 126 (Memorial Boulevard) will be provided via Peers Street and Lemay Drive. Eaton Station Road's approach to SR 126 (Memorial Boulevard) will be realigned to improve the skew of the intersection. These features will improve the safety and access control along SR 126 (Memorial Boulevard).

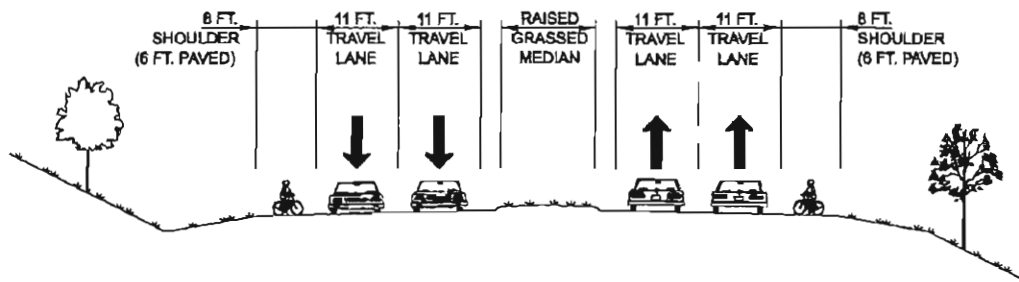


FIGURE 2.3.9: SEGMENT 3B PROPOSED TYPICAL SECTION

Figure 2: Proposed Typical Cross Section for Section 3 of Build Alternative A

The draft EIS describes Build Alternative B as follows:

Build Alternative B

Alternative B is a refinement of Alternative A. Alternative B utilizes the same proposed typical roadway cross sections as Alternative A but the length of the four-travel lane section of Segment 3 is reduced. As a result, the two-travel lane section of Segment 4 begins further west, near Lemay Drive, and is longer than in Alternative A. Retaining walls will also be utilized in the vicinity of historic Yancey's tavern and East Lawn Memorial Gardens Cemetery. These modification were made to minimize impacts to Yancey's Tavern and the East Lawn Memorial Gardens Cemetery located on the opposing sides of SR 126 (Memorial Boulevard) in Segment 4. It should be noted that numerous gravesites will still need to be relocated with Alternative B. Additional changes incorporated into Alternative B include minor modifications of the proposed centerline to minimize excavation and fill impacts and improve maintenance of traffic during construction. Alternative B subsequently requires less additional right-of-way and impacts fewer residences and businesses than Alternative A. . . .

In addition to the SR 126 (Memorial Boulevard) roadway typical cross section and alignment improvements, several side road intersection approaches to SR 126 (Memorial Boulevard) are improved or closed. These side road modifications improve the safety and access control along SR126 (Memorial Boulevard). The side road approaches modified in Alternative B are the same as those in Alternative A [see above].

The section of the roadway that is adjacent to the National Register Listed Yancey's Tavern is described as the following in the draft EIS.

East of Lemay Drive (L.M. 7.20) to Harr Town Road (L.M. 10.11)

The proposed cross section of this 2.9 mile long segment of SR 126 (Memorial Boulevard) from east of Lemay Drive to Harr Town Road includes two travel lanes (one in each direction), six-foot wide paved shoulders, and curb and gutter. The median in this section will consist of a two-way left turn lane. The six-foot wide shoulders would

accommodate bicyclists. The design speed of this segment is 45 miles per hour. This section is 0.5 miles longer than in Alternative A.

Additional features in this section include intersection realignments and closings. Ted Robin Lane's intersection with SR 126 (Memorial Boulevard) will be closed. Access to SR 126 (Memorial Boulevard) will be provided via Bridwell Heights Road. The side road approaches of Eaton Station Road, Woods Way, Island Road, Natchez Lane, and Harr Town Road to SR 126 (Memorial Boulevard) will be realigned to improve the skews of the intersections. These features will improve the safety and access control along SR 126 (Memorial Boulevard).

Two community resources are located on either side of SR 126 (Memorial Boulevard) in this segment: Yancey's Tavern and East Lawn Memorial Gardens Cemetery. Yancey's Tavern is listed on the National Register of Historic Places. To avoid direct impacts to the Yancey's Tavern property, it is proposed to widen SR 126 (Memorial Boulevard) to the south. The roadway improvements will impact the East Lawn Memorial Gardens Cemetery. In order to minimize the impacts, the roadway cross section is reduced to two travel lanes in this section of Alternative B, compared to four travel lanes in Alternative A. This will minimize the visual impacts to Yancey's Tavern and reduce the number of gravesites which must be relocated in the East Lawn Memorial Gardens Cemetery. Retaining walls will also be utilized in this area to further reduce impacts to the cemetery.

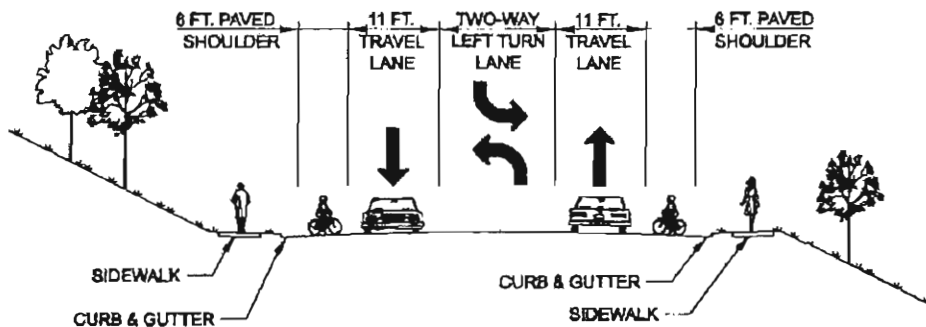


FIGURE 2.4.6: SEGMENT 4 PROPOSED TYPICAL SECTION

Figure 3: Proposed Typical Cross-Section Between Yancey's Tavern and the East Lawn Memorial Gardens Cemetery

2012 Alternatives

Build Alternative B1

The draft EIS estimated that approximately 350 occupied gravesites would be impacted with Alternative A and Alternative B would impact about 50 gravesites that are currently occupied. However, the large memorial garden would have sufficient room to relocate impacted gravesites. In an effort to reduce impacts to the East Lawn Memorial Gardens and Cemetery, TDOT proposed a three-lane, urban roadway with curb-and-gutter on the existing State Route

126 alignment. This three-lane alternative, as proposed in June 2012, would not have taken any right-of-way from the memorial garden and would have required approximately 1 acre from Yancey's Tavern with 0.1 acres of permanent slope easements. This proposed alternative required a retaining wall on both sides of the roadway, with the northern side being 7-feet tall at its highest point and on the southern side being 4.5 feet tall at its highest point. In addition, this Alternative B1 required a cul-de-sac of Chestnut Ridge Road to the west of Yancey's Tavern and would have cut off the historic property from the road.

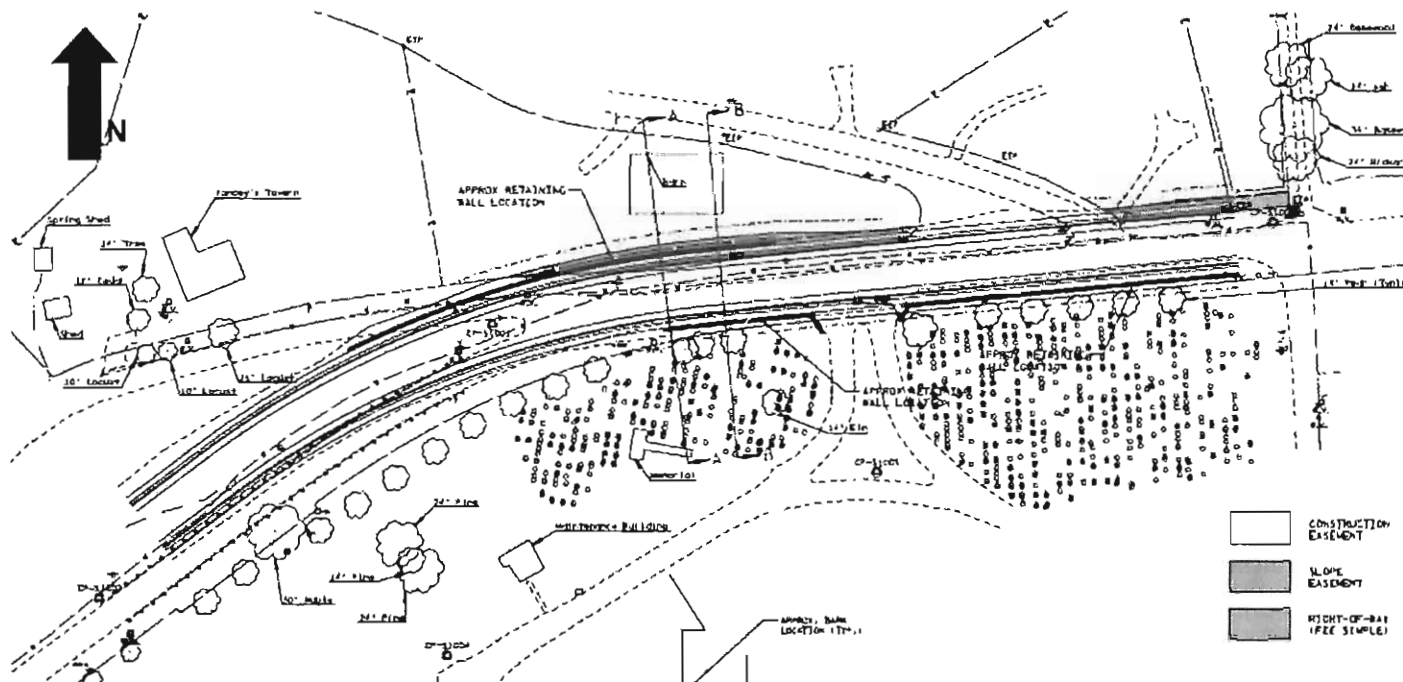


Figure 4: Conceptual Layout between Yancey's Tavern and the East Lawn Memorial Garden

Modified Alternative B

Given the potential impacts to the East Lawn Memorial Garden Cemetery if the alignment shifts to the south and the impacts to the National Register listed Yancey's Tavern if the alignment is shifted to the north, TDOT is currently proposing a compromise alternative that would take some land from the cemetery without taking graves. This revised alternative would eliminate the right-of-way take from Yancey's Tavern and eliminate the proposed slope easement. An approximately twelve-foot wide temporary construction easement will be needed on the Yancey's Tavern side. However, after construction the land will be returned to its pre-construction grade and appearance.

In addition, the revised alternative would keep the existing Chestnut Ridge Road open to traffic in front of the tavern rather than have a cul-de-sac to the west. However, Chestnut Ridge Road would no longer tie into SR 126 but would end with a branch turn-around just beyond the tavern. The branch turn-around will provide travelers on Chestnut Ridge Road with a safe way to turn around without having to use Yancey's Tavern's driveway. Landscaping will be added around the turn-around to provide further screening at the historic property. A retaining wall will still be needed on both sides of the road but the height would be approximately six-feet tall. Only a short segment of the retaining wall on the northern side of SR 126 will be visible from Yancey's Tavern.

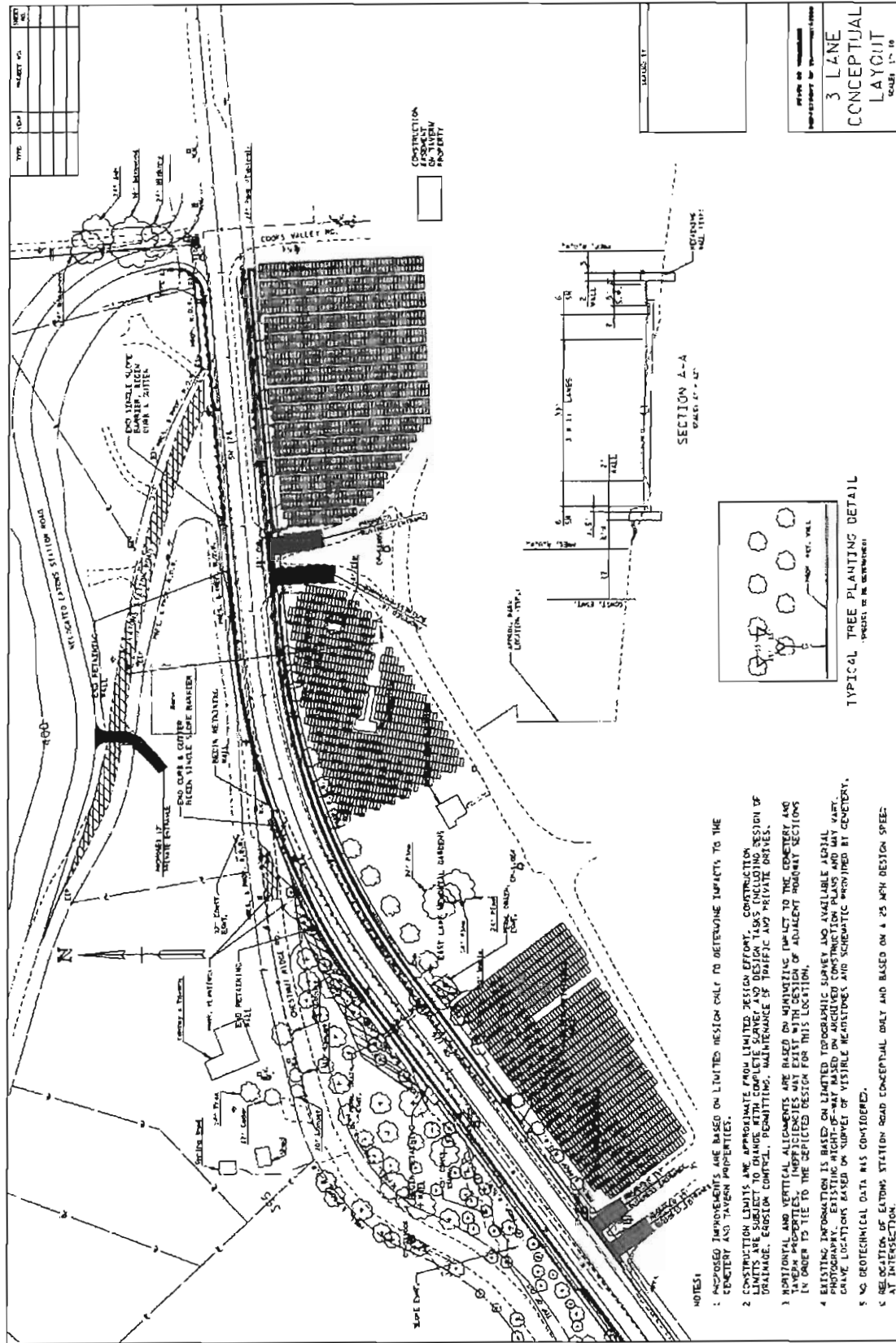


Figure 5: Functional Design for Alternative B Modified

Public Involvement

On November 19, 2003, TDOT mailed letters to nine groups or tribes representing Native American interests and asked them if they wished to participate in the historic review process as consulting parties (list below). To date, TDOT has not received any responses related to architectural resources. Appendix F contains a copy of the letter.

Mr. James Bird-THPO
Eastern Band of Cherokee Indians

Dr. Richard Allen
Research and Policy Analyst

Ms. Rena Duncan
Cultural Resources Director
Chickasaw Nation

Mr. Gregory E. Pyle
Choctaw Nation of Oklahoma

Mr. Tim Thompson
Muscogee (Creek) Nation

Mr. Emman Spain
Historic Preservation Specialist
Seminole Nation of Oklahoma

Mr. Archie Mouse, Chief
United Keetoowah Band of Cherokee

Mr. Charles D. Enyart
Eastern Shawnee Tribe Oklahoma

Ms. Carrie Wilson
Quapaw Tribe of Oklahoma

On October 17, 2008, the Documentation of Effect Report was circulated to the following historic groups. A copy of this addendum will be circulated to these historic groups and those that commented on the 2008 document.

Sullivan County Historical Society
P.O. Box 60
Blountville, TN 37617

Ken Weems
CLG/Historic Commission
City of Kingsport
225 W. Center Street
Kingsport, TN 37660-4237

Tennessee Valley Authority
Cultural Resources
400 West Summit Hill Drive
Knoxville, TN 37902

Dr. Dale Royalty
East Tennessee State University
Department of History
Box 70672
Johnson City, TN 37614-0672

Ambre Torbett,
Director of Planning and Codes
Sullivan County
3411 Highway 26, Suite 30
Blountville TN 37617,

Mayor of Kingsport
225 West Center Street
Kingsport, TN 37660

Claudia Moody
Northeast Heritage Tourism Area
P. O. Box 375
Jonesborough, TN 37659

Sullivan County Mayor
3411 Highway 126, Suite 206
Blountville, TN 37617

Deborah Montanti
The Heritage Alliance of Northeast TN
& Southeast Virginia
212 East Sabin Drive
Jonesborough, TN 37659

Sheila Hunt
Sullivan County Historian
Dept of Archives & History
3425 Highway 126, Suite 100
Blountville, TN 37617

Justin Sanders
The Heritage Alliance, NE TN
212 Sabin Drive
Jonesborough, TN 37659

Sullivan County Historical and
Genealogical Society
P.O. Box 568
Blountville, TN 37617

Gray Stothart
Historian First TN Development District
3211 North Roan Street
Johnson City, TN 37601

Downtown Kingsport Association
Attn: Calvin Wright
140 West Main Street
Kingsport, TN 37660

Property Owners

Rann Vaulx
Yancey's Tavern Owner
405 Wine Circle
Blountville, TN 37617

Jack and Shirley Jarvis
Shipley-Jarvis House
3309 Memorial Blvd.
Kingsport, TN 37664

Previous Commenters on the 2008 Documentation of Effect Report

Mary Fanslow
Netherland Inn/Exchange Place
P.O. Box 293
Kingsport, TN 37662

Robert J. Nolestine, III
Association for the Preservation of
Tennessee Antiquities
110 Leake Avenue
Nashville, TN 37205

Judith B. Murray
804 Rock City Road
Kingsport, TN 37664

The 2008 Documentation of Effect Report was also provided to the property owners of the National Register listed and eligible properties within the project corridor. The document was then passed on to other regional and statewide organization with a historic preservation

interest. After the public commenting period ended, TDOT forwarded copies of the comment letters and TDOT response letters to the TN-SHPO on January 26, 2009. The following is a summary of the historic comment letters (Copies of the letters can be found in Appendix E).

- November 14, 2008: Mr. Rann Vaulx, owner of Yancey's Tavern, requested that TDOT send a copy of the Documentation of Effect Report to several historic groups (The report was mailed to these groups in December 2008). Mr. Vaulx agreed that the proposed improvements would be an adverse visual impact to the historic property but further commented that the removal of Chestnut Ridge Road would destroy "the paved continuation of the 1761 Island Road." In a letter dated November 24, 2008, TDOT responded to Mr. Vaulx and forwarded a copy of both letters to the TN-SHPO.
- November 19, 2008: Ms. Judith Murray, a member of the Citizens Resource Team (CRT) for the CSS process, wrote at Mr. Vaulx's request, regarding the project. She pointed out the nuances of the CSS process and agreed that the project would adversely impact the historic property. She further requested that TDOT look at additional alignments. Since the majority of her comments dealt with CSS items, the project manager, Ray Henson, responded to her letter on December 23, 2008. A copy of this letter is attached.
- December 18, 2008: A representative of the Association for the Preservation of Tennessee Antiquities (APTA) wrote a letter agreeing with TDOT's position that the proposed project would adversely impact the historic Yancey's Tavern property.
- April 1, 2009: The Netherland Inn/Exchange Place commented on the significance of Yancey's Tavern in the early settlement of Sullivan County. The organization also agreed that the project would have an adverse effect on Yancey's Tavern.

Although each of the public comment letters agreed with TDOT's assessment that the project would adversely affect Yancey's Tavern, the letter writers disagreed with the overall design of the project. Since these letters were written and responded to, TDOT is currently working to resolve the historic issues and this document carefully lays out the ways TDOT is addressing citizen concerns. Each person or organization that responded to the 2008 Documentation of Effects Report will receive a copy of this addendum document.

Inventoried Properties

TDOT historians surveyed the APE for the proposed project and determined that two properties were either listed in or eligible for listing in the National Register of Historic Places.

- The Shipley-Jarvis House is eligible for listing in the National Register of Historic Places. The proposed project adjacent to the Shipley-Jarvis house remains the same as it was described in the 2008 Documentation of Effects Report and, at that time, it was TDOT's opinion that the project would not adversely affect the historic property. Since the design of the project at the Shipley-Jarvis House has not changed it will not be discussed further in this addendum.
- Yancey's Tavern was listed in the National Register of Historic Places in 1972. The design of the proposed project has been changed and the following is the documentation of effect to Yancey's Tavern.

Listed in the National Register of Historic Places under Criterion A for its association in the early settlement of Sullivan County, Yancey's Tavern is situated on Chestnut Ridge Road located to the northwest of the existing State Route 126. In the 2008 report, the design of the proposed project adjacent to Yancey's Tavern included a four-lane cross-section; however, no right-of-way was being taken from the historic property with all of the proposed right-of-way at the property coming off of the East Lawn Memorial Garden on the southern side of State Route 126. In the 2008 report, it was the opinion of TDOT that the project would have an adverse effect to the National Register listed property.

The following information is from the 1972 National Register Nomination:

Yancey's Tavern, built by 1782, was at one time, and remains so beneath its present covering, a double log house with a dogtrot. Handfired brick replaced the original stone chimneys and part of the stone foundation, probably sometime in the nineteenth century. More recently, brick was used to completely enclose the cellar area, although the framing of the door and window openings leading into the cellar are much earlier. Both front and back porches are later. The one-story back wing is not original to the house, although the fireplace with its simple mantel and crane suggests an early date. The placement of the back chimney also suggests the possibility that this area was once a small distance from the main structure and served as a kitchen. Window and door openings in the structure are not entirely original, but their location would pre-date the twentieth century.

The interior of Yancey's Tavern is simple, with three plain but well-executed mantels on the first floor. Two second-story rooms are reached by separate stairways. On the upper floor, construction of the dogtrot is visible because this section of the house has not been finished for use.

Miscellaneous frame outbuildings of varying dates surround the dwelling house. Most of the structures, including a barn, wash house, spring house, chicken house, and corncrib, date from the late nineteenth or early twentieth centuries. The frame granary with its shingle roof and stone foundation is considerably earlier.¹

The nomination further states:

Yancey's Tavern was an important stop along the Island Road, the major artery in upper East Tennessee. As such, it figured prominently in the development of the area, attracting as its visitors such men as John Sevier and William Blount, and serving as headquarters for local business such as meetings of the Sullivan County court.

The Island Road predates Yancey's Tavern. Completed in September 1761, it was the first organized road to be built not only in Tennessee but also to the southwest, connecting Chilhowie, Virginia, to the Long Island of the Holston River. Although built for

¹ Ellen Beasley, "Yancey's Tavern," *National Register of Historic Places Nomination*, 10 November 1972, On file with the Tennessee Historical Commission, Nashville, Tennessee.

military purposes, it served as a route for settlers. Part of the Island Road later became known as the Great Stage Road.

Along the road in the Tennessee section were three forts, including Eaton's Fort. This fort was located on property which, by the early 1770s, was part of Amos Eaton's 'corn rights' lands. In 1779, Eaton sold a portion of his land near the fort to James Hollis, who, in turn, sold 900 acres to John Yancey Sr. in 1782. It is not known if Yancey's purchase included a dwelling or if Yancey built the structure; however, within a short period, the tavern was in operation. Yancey's heirs maintained the property until the last half of the nineteenth century, when it changed ownership several times prior to being purchased in 1889 by John R. Spahr, whose descendants still own the place today.²



Figure 6: Front elevation of the National Register listed Yancey's Tavern located on the Old Stage Road near the intersection with State Route 126. This photograph was taken in 2003. In September 2004, the area surrounding the historic property was broken into 16 tracts of land and sold at auction.

Figure 7: Side elevation showing the exterior brick chimney that, according to the National Register nomination, replaced an earlier stone chimney.



Figure 8: Side elevation showing the Other brick chimney

² Ibid.



Figure 9: Current Photograph of the setting at Yancey's Tavern. The proposed project would shift the three-lane, urban roadway to the north removing the mature trees that are currently between Yancey's Tavern and State Route 126 and a retaining wall would cross over part Chestnut Ridge Road. Landscaping is planned that will help shield Yancey's Tavern from the new alignment.

National Register Boundary Information

In the early 1970s, the National Register program rarely required defined boundaries for historic properties. The National Register nomination for Yancey's Tavern was completed in 1972. The boundaries are defined as five acres. The following map shows the approximate 5 acre-National Register boundary recommended by the TN-SHPO.

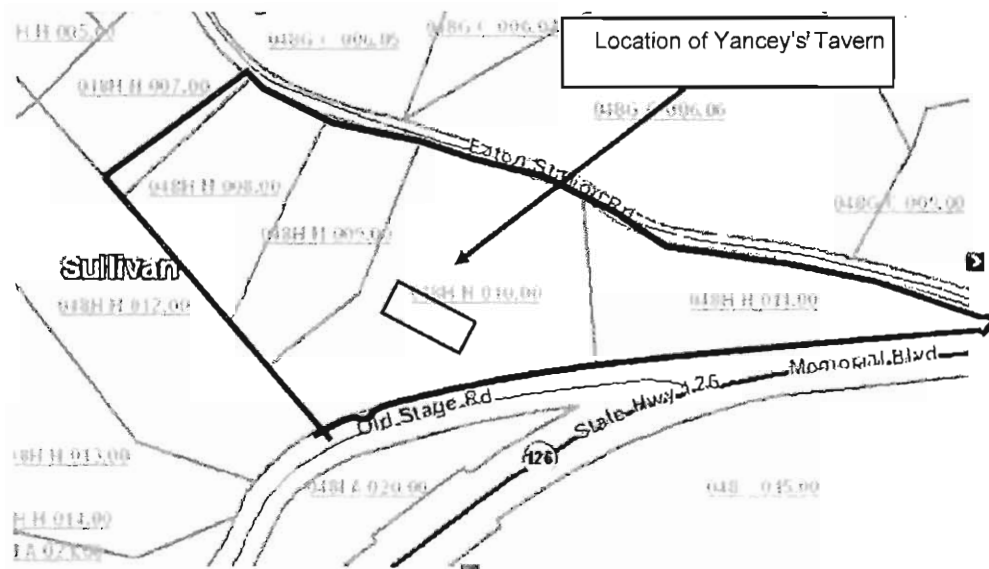


Figure 10: Approximate National Register Boundary for Yancey's Tavern as outlined in the 1972 National Register nomination.

DOCUMENTATION OF EFFECTS—Alternative B Modified at Yancey's Tavern

TDOT applied the Criteria of Effect as found in 36 CFR 800.5 to the proposed design, entitled *Alternative B Modified*, adjacent to the historic property. In 2008, the proposed design included a four-lane urban cross-section with no right-of-way coming from within the National Register boundary of the historic property. However, it was the opinion of TDOT that the proposed project would introduce a road that is out-of-scale and character with the historic property and would be an adverse visual effect to the historic property.

In June of 2012, TDOT proposed design changes to *Alternative B1* that reduced the cross-section from a four-lane urban roadway to a three-lane urban roadway. Although the width of the road was reduced, the roadway would still have been almost double the pavement width of the existing two-lane road with this alternative. This proposed design would not take any land from the East Lawn Funeral Home and Cemetery on the southern side of the road but required approximately one acre of right-of-way and about 0.1 acres of permanent easements from within the boundary of the historic property. Additionally, this proposed design would have required a retaining wall on both sides of State Route 126, the existing alignment of Chestnut Ridge Road would have been cut off from State Route 126 with a cul-de-sac that would have been to the west of Yancey's Tavern that cut the historic property off from Chestnut Ridge Road and would have required a new driveway. Additionally, the three-lane urban roadway with approximately 45-feet of pavement would have been shifted to the north closer to the historic property. Due to these design features, it was the opinion of TDOT that the proposed *Alternative B1* from June 2012 would adversely affect Yancey's Tavern. In a letter dated June 13, 2012, the TN-SHPO agreed with TDOT's findings. Figure 4 (on page 8) contains the functional plan sheet showing the proposed *Alternative B1* at Yancey's Tavern.

Due to the potential adverse effect of *Alternative B1*, TDOT historians worked with the designers to minimize harm to the historic property, Yancey's Tavern. According to the plans for *Alternative B Modified*, the proposed project would shift the right-of-way from Yancey's Tavern to the south onto the East Lawn Memorial Garden and Cemetery but would not be shifted so far to the south that occupied graves would need to be relocated. This would allow for only a small temporary construction easement within the National Register boundary of Yancey's Tavern and that construction easement would be returned to the current grade and appearance after construction is completed. A retaining wall would be required on both the north and south sides of the proposed State Route 126; however, given the existing grade and elevation of the historic Yancey's Tavern building only a short section of the wall would be visible from the house itself. Although little of the retaining wall will be visible from Yancey's Tavern, TDOT is proposing an aesthetic treatment to the wall that will be compatible with the historic landscape but will be minimalist in its design. TDOT will consult with the TN-SHPO and consulting parties in designing the retaining wall in order to get their review and comments on the proposed design feature. The cross-section in *Alternative B Modified* would also be reduced by the removal of the sidewalks on the northern side of State Route 126. Utilities will be relocated with this revised alternative and according to representatives from TDOT's Right-of-Way and Utilities Divisions there is sufficient space within that cross-section to relocate all utilities.

Additionally, mature trees currently shield Yancey's Tavern from State Route 126, and the shift to the south would allow more of those trees to remain than previous alternatives. Although these revisions would allow for more of the existing trees to remain, some of the trees would be removed. In order to re-screen the area in front of Yancey's Tavern, TDOT is proposing a detailed landscaping plan that will be created in consultation with TDOT, the TN-SHPO and

consulting parties to provide appropriate plantings for the area. As the proposed project continues to be designed, landscaping and aesthetic details will be presented to the TN-SHPO and consulting parties for review and comment.

Alternative B Modified would also keep Chestnut Ridge Road open in front of Yancey's Tavern, allowing the historic property to keep its entrance off the existing Chestnut Ridge Road. Although Yancey's Tavern will continue to stay connected to Chestnut Ridge Road, the road itself will no longer intersect with State Route 126 to the east of Yancey's Tavern. Chestnut Ridge Road will end slightly to the southeast of the tavern itself and a branch turn-around will be provided at the dead end to give travelers the opportunity to turn around. The turn-around has been provided in order to keep drivers from using Yancey's Tavern's driveway as a turn-around and to continue to allow Yancey's Tavern to have access from Chestnut Ridge Road. Having a branch turn-around rather than a cul-de-sac will give the dead end a more rural feel rather than the suburban feel of a bulb-out cul-de-sac. The branch turn-around will require some of the mature trees to the southwest of Yancey's Tavern to be removed; however, TDOT will develop a detailed landscaping plan, in conjunction with the TN-SHPO and consulting parties, that will replace the vegetation that will need to be removed with the branch, turn-around design.

A drawing of the branch turn-around can be found in Figure 11. Figure 12 shows the existing setting from the porch at Yancey's Tavern. Figure 13 is a computer generated rendering from Yancey's Tavern toward State Route 126 after the proposed project is complete. Figure 14 shows the existing view of Yancey's Tavern from the cemetery. Figure 15 is a computer generated rendering showing the roadway and the tavern after construction is completed. Figure 16 shows the functional design plans for the *Alternative B Modified* with the location of the proposed landscaping shown in a general format. The detailed landscaping plan will be developed by TDOT and will be designed in consultation with the TN-SHPO and consulting parties.

⇒ *Alternative B Modified* includes numerous design revisions to minimize harm to the historic property. *Alternative B Modified* will reduce the pavement width of the proposed State Route 126 with the removal of the sidewalk on the northern side of the road and will shift the roadway alignment as far south as possible without taking graves from the East Lawn Memorial Garden. Additionally, the need for right-of-way from Yancey's Tavern has been eliminated with this alternative, taking only a temporary construction easement at the tavern. Yancey's Tavern will also stay connected to Chestnut Ridge Road as it was historically; however Chestnut Ridge Road will have a branch turn-around at the dead end just southeast of the tavern. TDOT will design a detailed landscaping plan that is compatible with the existing landscape and an aesthetic treatment for the retaining wall will be developed with the TN-SHPO and consulting parties in order to provide additional screening at the tavern.

For the reasons stated above, it is the opinion of TDOT that the proposed ***Alternative B Modified*** will have **No Adverse Effect** on the National Register listed Yancey's Tavern.

36CFR 800.5 (a) Apply Criteria of Adverse Effect

In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the Agency Official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The Agency Official shall consider any views concerning such effects, which have been provided by consulting parties and the public.

(a) (1) Criteria of Adverse Effect

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(b) (2) Examples of Adverse Effects

An undertaking is considered to have an Adverse Effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;

The proposed *Alternative B Modified* shifts the proposed right-of-way to the south of the historic property onto the East Lawn Memorial Garden, eliminating the need for right-of-way from within the National Register Boundary of Yancey's Tavern. Only a temporary construction easement that is approximately twelve feet wide will be needed and after construction the area will be returned to its pre-construction slope and appearance. Therefore, it is the opinion of TDOT that the proposed *Alternative B Modified* would not physically damage or destroy all or part of the historic property.

- (ii) Removal of the property from its historic location

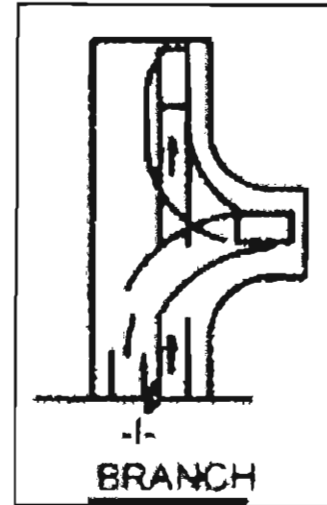
The proposed *Alternative B Modified* would not result in the removal of a contributing structure from its historic location.

- (iii) Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance;

Yancey's Tavern was listed in the National Register of Historic Places under Criterion A for its significance in the early settlement of Sullivan County. *Alternative B Modified* shifts the proposed three-lane roadway further to the south than previous alternatives. The overall amount of pavement is also reduced by the removal of the sidewalk on the northern side of State Route 126. Since the roadway is shifted to the south, more mature trees located directly in front of Yancey's Tavern will remain in place. The trees that are removed for the new roadway will be replanted on the slope with a detailed landscaping plan that will be coordinated with the TN-SHPO and consulting parties. Additionally, Chestnut Ridge Road will remain open and provide access to the historic tavern and will remain a small, two-lane road that has historically provided access to structure. This keeps the historic road pattern in place. A branch turn-around with landscaping will end Chestnut Ridge Road to the southeast of the historic tavern rather than a suburban cul-de-sac. This design feature will provide travelers with the opportunity to turn around at the dead end without using the Yancey's Tavern property as a

turn around. Figure 11 shows the proposed branch design. This design will provide a more natural ending to the road while providing additional screening from State Route 126.

Figure 11: This drawing, from the American Association of State Highway and Transportation Officials (AASHTO) Handbook, shows the standard for the proposed branch turn-around at the dead end on Chestnut Ridge Road adjacent to Yancey's Tavern. It shows the reduced pavement and rural feel of the turn-around. The branch will be located away from the historic property and TDOT is proposing to provide a detailed landscaping plan developed in coordination with the TN-SHPO and consulting parties, at the branch.



A retaining wall will be required on both the northern and southern sides of State Route 126; however it will be shorter than in previous alternatives. Due to the slope and terrain at Yancey's Tavern, only a small section of the retaining wall will be visible from the porch of the historic tavern. TDOT will use an aesthetic treatment on the wall to improve the overall aesthetic design of the project from State Route 126 itself. The aesthetic features of the retaining wall will be coordinated with the TN-SHPO and consulting parties in order to design a wall that fits the character of the environment surrounding the historic property. Figure 12 is a 2012 photograph that shows the view from the second-story porch at Yancey's Tavern as State Route 126 currently looks. Figure 13 is a computer generated rendering from the same spot on the Yancey's Tavern porch as it will look after the completion of the proposed State Route 126 improvements. Note that in Figure 13 the landscaping around the branch turn-around is conceptual and a detailed landscaping plan will be designed in consultation with the TN-SHPO and consulting parties. Figure 14 shows the view from State Route 126 to the northeast toward Yancey's Tavern as it currently looks. Figure 15 is a computer generated that shows the view of the landscape from State Route 126 after the project is complete. Since the rendering is a conceptual plan, design details of the retaining wall and the landscaping plan will be determined in more detail in consultation with the TN-SHPO and consulting parties. Figure 16 shows the area where trees will be removed and the general area for tree plantings; however a detailed landscaping plan will be developed in consultation with the TN-SHPO and consulting parties.

Due to the design of Alternative B Modified, it is the opinion of TDOT that the proposed project would not change the character of the property's use or physical features that contribute to its historic significance.



Figure 12: Existing setting from the Yancey's Tavern porch



Figure 13: A computer rendering showing the setting from the porch at Yancey's Tavern. Note that the branch turnaround is beyond the tavern itself which will allow the tavern to remain on the road it has historically been associated with. As part of the project, TDOT will create a landscaping plan that may include trees other than the ones show in the rendering. The landscaping plan will be developed in consultation with the TN-SHPO and consulting parties.

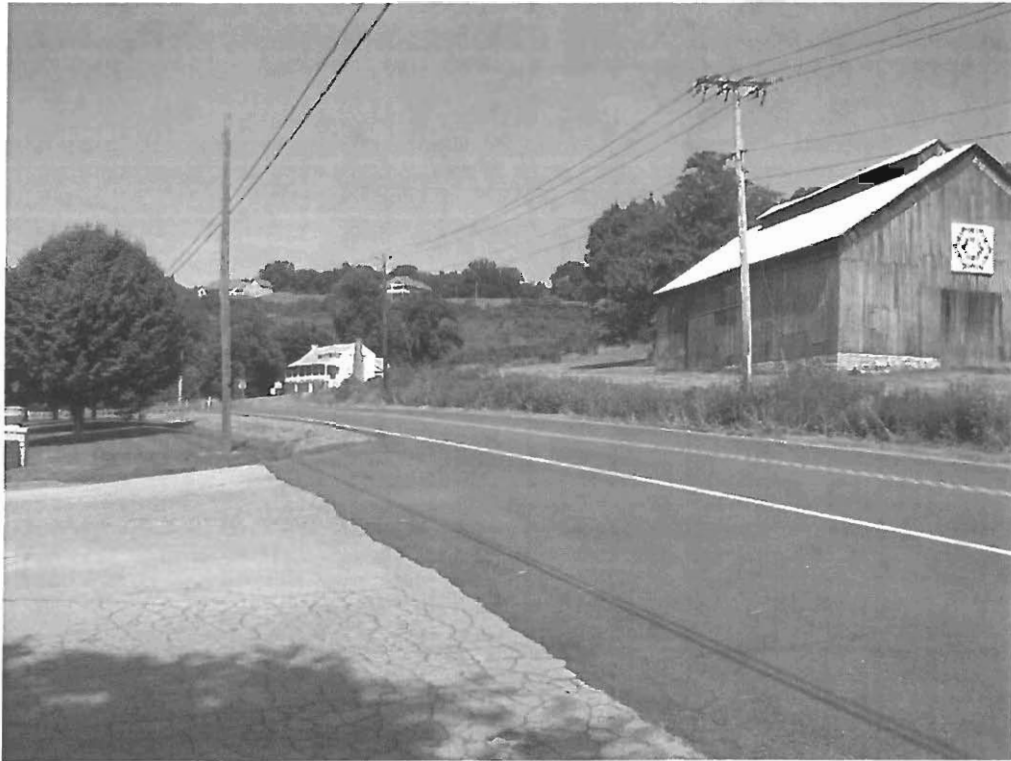


Figure 14: Existing view of Yancey's Tavern from State Route 126



Figure 15: Computer generated rendering from the cemetery toward Yancey's Tavern showing the view of the property from the road. The colors depicted in the rendering are due to the nature of the technology and it appears darker than it should be when constructed.

- (iv) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;

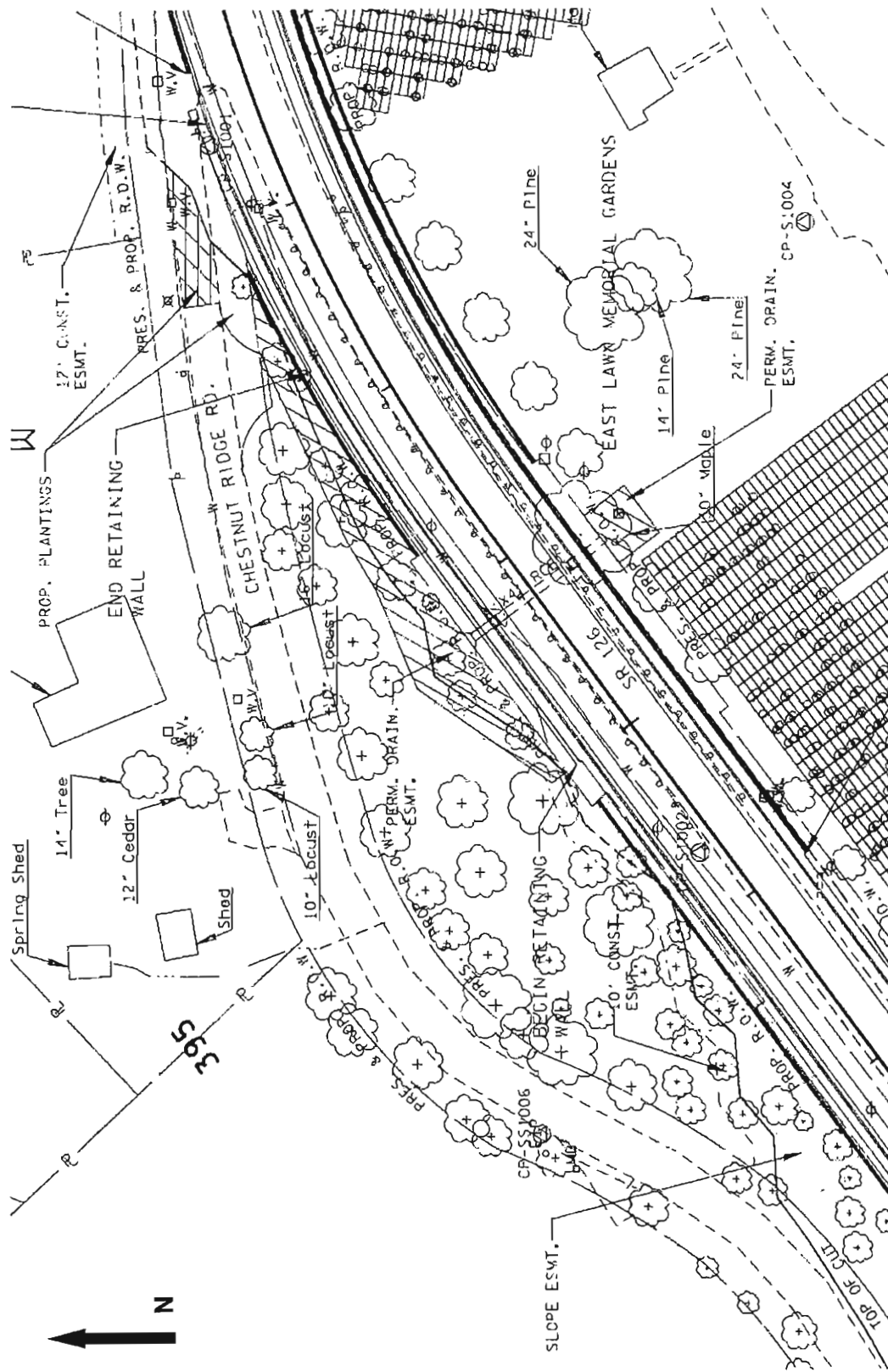
Yancey's Tavern is eligible for listing in the National Register under Criterion A for its significance in the early settlement of Sullivan County and was historically used as a hotel and restaurant for travelers in the late eighteenth and nineteenth centuries. Historically associated with the road, the tavern currently sits on a two-lane road with vegetation between the historic property and the existing State Route 126. *Alternative B Modified* would build a three-lane roadway that has been shifted further to the south than previous alternatives and the cross-section has been reduced by the removal of the sidewalk on the northern side of State Route 126. These design changes would allow for more of the mature trees that currently separate Yancey's Tavern from State Route 126 to remain in place and provisions have been made to landscape the northern slope of the proposed three-lane roadway in order to provide additional vegetative screening for the tavern.

Since its historical association is with the road itself, *Alternative B Modified* proposes to keep Chestnut Ridge Road open in front of Yancey's Tavern which will allow for continued access at its historic entrance. Chestnut Ridge Road will be closed just beyond the tavern itself and a branch turnaround with landscaping will mark the end of Chestnut Ridge Road. This branch turn-around will provide drivers with the opportunity to safely turn around without using the driveway at Yancey's Tavern. TDOT will also provide landscaping around the turn-around for additional screening from the proposed three-lane facility. The *Alternative B Modified* has proposed right-of-way that has been shifted to the south and the height of the retaining wall on the northern side of State Route 126 at Yancey's Tavern has been reduced. Additionally, keeping the mature trees, the historic road configuration, and ending Chestnut Ridge with a branch turn-around and landscaping will provide historically appropriate screening. Therefore, it is the opinion of TDOT that the proposed *Alternative B Modified* would not introduce any visual, atmospheric, or audible elements that diminish the integrity of Yancey's Tavern.

- (v) Neglect of a property which causes its deterioration, except where such neglect or deterioration are recognized qualities or a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

The proposed improvements will not result in the neglect or associated deterioration of Yancey's Tavern.

Based on the proposed design of *Alternative B Modified*, it is the opinion of TDOT that the proposed project would have **no adverse effect** on Yancey's Tavern.



Section 4(f) Involvement—Alternative B Modified at Yancey's Tavern

Codified at 49 CFR 303, "Section 4(f)" refers to a section of the U.S. Department of Transportation Act (1966, as amended) that gives special consideration to the use of park and recreational lands, wildlife and waterfowl refuges, and historic sites by federally assisted transportation projects. To be considered "historic," a property must be either listed in the National Register of Historic Places or is determined eligible for such listing by the Keeper of the Register of the State Historic Preservation Officer. Section 4(f) applies only to those projects using federal funds from the U.S. Department of Transportation.

Federal laws state that the Secretary of the Department of Transportation may approve the use of land from a historic site only if:

- (1.) there is no prudent or feasible alternative to using that land, and
- (2.) the program or project includes all possible planning to minimize harm to the historic site resulting from the use (see Appendix D).

The Federal Highway Administration (FHWA) determines if the requirements of the Section 4(f) statute are met. The FHWA will approve the use of the Section 4(f) property only if the requirements are satisfied.

The proposed project would not incorporate any land from the historic boundary into a transportation facility nor would it adversely affect it while temporarily occupying land within the boundaries of the historic property. The proposed project would not substantially impair any activities, features, or attributes that qualify the historic property as eligible for listing in the National Register. Under the Section 106 process, the proposed project would have an effect that is not adverse to the historic property. For these reasons, it is the opinion of TDOT that the proposed project would not have a Section 4(f) use of the historic property.

Conclusions

The Tennessee Department of Transportation with funding made available through the Federal Highway Administration is proposing to improve State Route 126 from East Center Street to I-81 in Kingsport.

This addendum report discusses the effects to the National Register listed property: Yancey's Tavern located on State Route 126 outside of Kingsport. In 2004, TDOT historians surveyed the Area of Potential Effects (APE) and inventoried 96 properties. In a 2005 report, it was the opinion of TDOT that one property, Yancey's Tavern, was listed in the National Register of Historic Places and one additional property, the Shipley-Jarvis House, was eligible for listing in the National Register of Historic Places. In a letter, dated March 22, 2005, the Tennessee State Historic Preservation Officer (TN-SHPO) concurred with these findings.

In 2008, TDOT historians sent a Documentation of Effects report to the TN-SHPO and in that document stated that it was TDOT's opinion that the proposed project would not adversely affect the Shipley-Jarvis House and would adversely affect Yancey's Tavern. The TN-SHPO agreed with TDOT's findings in a November 3, 2008 letter. In the 2008 report, the alignment adjacent to Yancey's Tavern indicated that a substantial number of graves in the East Lawn Funeral Home and Memorial Garden would be relocated as part of both of the proposed alternatives.

In 2012, the negative public response to the removal of graves and reburials caused TDOT to redesign a segment of the roadway adjacent to Yancey's Tavern. The design of the project at the Shipley-Jarvis House has not changed so the effects remain the same as described in the 2008 document. In an effort to avoid the removal of graves from the East Lawn Memorial Garden, TDOT redesigned the proposed project between Yancey's Tavern and the East Lawn Memorial Garden in June 2012.

In June 2012, Alternative B1 was proposed and would not have required any additional right-of-way from the memorial garden but would have required right-of-way from the northern side of the State Route 126, and would have resulted in taking approximately one acre of right-of-way and about 0.1 acres of permanent slope easements from the historic property. With this alternative, a retaining wall that would have been seven feet tall at its highest point was proposed on the northern side of the roadway in front of the tavern and a cul-de-sac was proposed for the existing Chestnut Ridge Road to the west of the historic property, disconnecting it from the road with which it has been historically associated. Based on the right-of-way take, height of the retaining wall, and the introduction of a modern, urban roadway, it was the opinion of TDOT that Alternative B1 would have an adverse effect to the historic property. In a letter, dated June 13, 2012, the TN-SHPO agreed with TDOT's findings.

In an effort to minimize harm to Yancey's Tavern, the proposed project has been redesigned in the area between Yancey's Tavern and the East Lawn Memorial Garden. According to the plans for **Alternative B Modified**, the proposed project would shift the right-of-way from Yancey's Tavern to the south onto the East Lawn Memorial Garden and Cemetery but would not be shifted so far to the south that occupied graves would need to be relocated. This would allow for only a small construction easement of approximately twelve-feet within the National Register boundary of Yancey's Tavern. After construction, the easement area will be returned to the current grade and appearance. A retaining wall will be required on both the north and south side of the proposed State Route 126; however, given the existing grade and elevation of the historic Yancey's Tavern building the wall would not be visible from the house itself.

Additionally with *Alternative B Modified*, the shift to the south would allow more mature trees that currently shield Yancey's Tavern from the road to stay in place and TDOT is proposing additional landscaping with this alternative. *Alternative B Modified* would keep Chestnut Ridge Road open in front of Yancey's Tavern, allowing the historic property to keep its entrance off the existing road and the historic connection to that road. Chestnut Ridge Road would dead end to the southeast of Yancey's Tavern with a branch turn-around that will provide motorists with a safe turn-around location at the dead end without using the driveway at Yancey's Tavern. The branch turn-around will be located away from the historic property and a landscaping plan is proposed at the end of the road to make a more natural ending rather than a suburban cul-de-sac.

Alternative B Modified includes numerous design revisions to minimize harm to the historic property. *Alternative B Modified* will reduce the pavement width of the proposed State Route 126 with the removal of the sidewalk on the northern side of the road and will shift the roadway alignment as far south as possible without taking graves from the East Lawn Memorial Garden. Additionally, the need for right-of-way from Yancey's Tavern has been eliminated with this alternative, taking only a temporary construction easement at the tavern. Yancey's Tavern will also stay connected to Chestnut Ridge Road as it was historically; however Chestnut Ridge Road will have a branch turn-around at the dead end just southeast of the tavern. A landscaping plan and an aesthetic treatment for the retaining wall will be developed with the TN-SHPO and consulting parties in order to continually have vegetative screening at the tavern.

For the reasons stated above, it is the opinion of TDOT that the proposed ***Alternative B Modified*** will have **No Adverse Effect** on the National Register listed Yancey's Tavern. Pursuant to Section 4(f) of the U.S. Department of Transportation Act of 1966, the proposed project would not constitute a Section 4(f) use of a historic property.

Bibliography

Beasley, Ellen. "Yancey's Tavern," *National Register of Historic Places Nomination*, 10 November 1972, On file with the Tennessee Historical Commission, Nashville, Tennessee.

SECTION 106 REVIEW, NATIONAL HISTORIC PRESERVATION ACT OF 1966

Section 106 of the *National Historic Preservation Act* requires that Federal agencies consider what effects their actions and/or actions they may assist, permit, or license, may have on historic properties, and that they give *the Advisory Council on Historic Preservation (Council)* a "reasonable opportunity to comment" on such actions. The Council is an independent Federal agency. Its role in the review of actions under Section 106 is to encourage agencies to consider, and where feasible, adopt measures that will preserve historic properties that would otherwise be damaged or destroyed. The Council's regulations, entitled "Protection of Historic Properties" (36 CFR Part 800) govern the Section 106 process. The Council does not have the authority to require agencies to halt or abandon projects that will affect historic properties.

Section 106 applies to properties that have been listed in the *National Register of Historic Places (NRHP)*, properties that have been determined to be eligible for inclusion in the NRHP, and properties that may be eligible but have not yet been evaluated. If a property has not yet been nominated to the NRHP or determined eligible for inclusion, it is the responsibility of the Federal agency involved to ascertain its eligibility.

The Council's regulations are set forth in a process consisting of four basic steps which are as follows:

1. Initiate Section 106 Process: The Federal agency responsible for the action establishes the undertaking, determines whether the undertaking has the potential to affect historic properties (i.e., properties listed in or eligible for listing in the National Register of Historic Places), and identifies the appropriate State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO). At this time, the agency plans to involve the public and identify other consulting parties.
2. Identify Historic Properties: If the agency's undertaking has the potential to affect historic properties, the agency determines the scope of appropriate identification efforts and proceeds to identify historic properties within the area of potential effects. Identification involves assessing the adequacy of existing survey data, inventories, and other information on the area's historic properties. This process may also include conducting further studies as necessary and consulting with the SHPO/THPO, consulting parties, local governments, and other interested parties. If properties are discovered that may be eligible for the National Register, but have not been listed or determined eligible for listing, the agency consults with the SHPO/THPO and, if needed, the Keeper of the National Register to determine the eligibility status of the property.
3. Assess Adverse Effects: The agency, in consultation with the SHPO/THPO, assesses the potential effects to historic properties affected by the undertaking. The agency at this time will determine that the action will have "no adverse effect" or an "adverse effect" on historic properties. Consulting parties and interested members of the public are informed of these findings.

The regulations provide specific criteria for determining whether an action will have an effect, and whether that effect will be adverse. Generally, if the action may alter the characteristics that make a property eligible for the National Register, it is recognized that the undertaking will have an effect. If those alterations may be detrimental to the property's characteristics, including relevant qualities of the property's environment or use, the effects are recognized as "adverse."

4. Resolve Adverse Effects: The agency consults with the SHPO/THPO and others, including consulting parties and members of the public. The Council may choose to participate in consultation, particularly under circumstances where there are substantial impacts to historic properties, when a case presents important questions about interpretation, or if there is the potential for procedural problems. Consultation usually results in a Memorandum of Agreement (MOA).

If agreement cannot be reached, the agency, SHPO/THPO, or Council may terminate consultation. If the SHPO/THPO terminates consultation, the agency and the Council may conclude the MOA without SHPO/THPO involvement. If the SHPO/THPO terminates consultation and the undertaking is on or affecting historic properties on tribal lands, the Council must provide formal comments. The agency must request Council comments if no agreement can be reached.

**ELIGIBILITY CRITERIA OF THE
NATIONAL REGISTER OF HISTORIC PLACES
AS SET FORTH AT 36 CFR 60.4**

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- **CRITERION A.** that are associated with events that have made a significant contribution to the broad patterns of our history (history); or
- **CRITERION B.** that are associated with the lives of persons significant in our past (person); or
- **CRITERION C.** that embody the distinctive characteristic of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that components may lack individual distinction (architecture); or
- **CRITERION D.** that have yielded, or may be likely to yield, information important in prehistory or history (archaeology).

Ordinarily, cemeteries; birthplaces or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years are not considered eligible for the National Register of Historic Places; however, such properties will qualify if they are integral parts of historic districts that do meet the criteria or if they fall within the following categories:

- **EXCEPTION A.** a religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- **EXCEPTION B.** a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- **EXCEPTION C.** a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or
- **EXCEPTION D.** a cemetery which derives its primary significance from graves or persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- **EXCEPTION E.** a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- **EXCEPTION F.** a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- **EXCEPTION G.** a property achieving significance within the past 50 years if it is of exceptional importance.

NATIONAL REGISTER OF HISTORIC PLACES

Summary Sheet Prepared by TDOT

What is the National Register of Historic Places? The National Register, maintained by the Keeper of the Register within the National Park Service, Department of Interior, is the nation's official list of districts, buildings, sites, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

What are the benefits and restrictions of listing? In addition to honorific recognition, listing in the National Register results in the following benefits for historic properties:

- Section 106 provides for consideration of National Register listed or eligible properties in planning for Federal, federally licensed, and federally assisted projects;
- Eligibility for certain tax provisions for the certified rehabilitation of income-producing National Register structures such as commercial, industrial, or rental residential buildings;
- Consideration of historic values in the decision to issue a surface mining permit where coal is located in accordance with the Surface Mining Control Act of 1977; and
- Qualification of Federal grants for historic preservation, when funds are available.

Does National Register designation place any additional burdens or obligations on the property owner? Owners of private property listed in the National Register are free to maintain, manage, or dispose of their property as they choose, provided that no Federal moneys are involved.

How is a property nominated to the National Register? The first step is for the owner to contact the Tennessee State Historic Preservation Office (TN-SHPO), Clover Bottom Mansion, 2941 Lebanon Road, Nashville, TN 37243-0442; 615-532-1558. Ordinarily, private individuals (or paid consultants) prepare nomination forms. The TN-SHPO submits these nominations to a State Review Board, which meets three times a year. This body reviews the nominations and votes to recommend or deny National Register listing. If approved, the TN-SHPO submits the nomination to the Keeper of the Register in Washington, D.C. for consideration for listing. The Keeper's Office has 45 days to review the nomination, and its decision regarding National Register listing is final.

How long does the nomination process take? The process varies but typically takes between eight and twelve months.

CRITERIA OF ADVERSE EFFECT

Regulations codified at 36 CFR 800 require Federal agencies to assess their impacts to historic resources. The regulations provide specific criteria for determining whether an action will have an effect, and whether that effect will be adverse. These criteria are given below.

36 CFR 800.5 Assessment of Adverse Effects

(a) *Apply Criteria of Adverse Effect.* In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the Agency Official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The Agency Official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) *Criteria of adverse effect.* An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(2) *Examples of adverse effects.* Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access that is not consistent with the Secretary's Standards for the Treatment of Historic Properties and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

SECTION 4(f), TDOT SUMMARY SHEET

WHAT IS SECTION 4 (f)? Codified at 49 CFR 303, "Section 4 (f)" refers to a section of the U.S. Department of Transportation Act which gives special consideration to the use of park and recreation lands, wildlife and waterfowl refuges, and historic sites by Federally assisted transportation projects. Section 4 (f) applies only to those projects using funds from the U.S. Department of Transportation. The law states:

(c) The Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if -

(1) *there is no prudent or feasible alternative to using that land; and*

(2) *the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.*

WHAT IS THE SECTION 4 (f) PROCESS FOR HISTORIC PROPERTIES? To be considered "historic," a property must either be listed in the National Register of Historic Places or be determined eligible for such listing by the Keeper of the Register or the State Historic Preservation Officer (SHPO).

On any project, the primary objective is to develop a design that does not have Section 4(f) involvement. If such a design is not possible, then the Section 4 (f) documentation is prepared and circulated. Such documentation is circulated to all appropriate agencies or groups (consistent with the Section 106 process and the National Environmental Policy Act), and as applicable, to the U.S. Department of the Interior, Housing and Urban Development, and Agriculture. It is also circulated to the agency having authority over the Section 4 (f) property. For historic properties, such agencies are the SHPO and the Advisory Council on Historic Preservation (ACHP). After review of any comments received, the final Section 4(f) documentation is sent to the Federal Highway Administration (FHWA) which determines if the requirements of the Section 4(f) statute are met. If the requirements are satisfied, then the FHWA will approve the use of the Section 4 (f) property.

HOW ARE SECTION 4 (f) AND SECTION 106 RELATED? Section 106 is a provision of the National Historic Preservation Act of 1966, which requires all federal agencies to consider the effects of their projects on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on those effects. The ACHP has promulgated regulations at 36 CFR 800 that describe the procedures that agencies must follow in order to comply with Section 106. Many of the Section 106 documentation requirements overlap the Section 4 (f) documentation requirements for historic properties. For this reason, for projects having a 4(f) use of a historic site, the documentation for Section 106 and Section 4 (f) is usually combined into one document and circulated to the appropriate groups described above. The consent of neither the SHPO nor the ACHP is necessary for FHWA to approve a Section 4 (f) use, but FHWA gives great consideration to comments from these agencies.

APPENDIX E
2008 PUBLIC PARTICIPATION LETTERS

405 Wine Circle
Blountville, TN 37617
November 14, 2008

Ms Tammy Sellers, TDOT Environmental Division
505 Deaderick St. Suite 900
Nashville, TN 37243

Reference: Documentation of Effect of proposed improvements to State Route 126
(Memorial Boulevard) from East Center Street to Interstate 81

Dear Ms. Sellers:

Thank you for including me in the distribution of the referenced report. As the owner and restorer (some say savior) of Yancey's Tavern I definitely want to follow the plans for Hwy 126.

First some suggestions and requests for your distribution list as given on Page 6 of the referenced report. For the Sullivan County Historical Society, Dennis Houser (471 Camp Placid Road, Blountville, TN 37617) should replace Sam Stuffle, who is deceased. In addition the following will be interested in the adverse impact of this project on Yancey's Tavern: President of Netherland Inn/Exchange Place Association (P.O. Box 293, Kingsport, TN 37662) and President of Association for the Preservation of Tennessee Antiquities (APTA 110 Leake Avenue, Nashville, TN 37205). Please send them copies of the referenced report.

The referenced report states correctly that the National Register site Yancey's Tavern was sold at auction September 11, 2004. So that your readers know the status of this local historic treasure the Hwy 126 project could adversely impact, be advised I bought the house to prevent its demolition by hewn log buyers who were active bidders at the auction. I bore the cost of its restoration and furnishing with good older reproductions of 18th century furniture. I maintain it at an annual cost of about \$4000. As it is not a house museum, I have allowed a broad cross section of groups to hold meetings and other events in the house at no charge. These groups include historic, patriotic, genealogy, garden, and social clubs, church Sunday school classes (covered dish suppers), Kingsport Chamber of Commerce (tourism and historic preservation teams), and joint legislative/judicial socials.

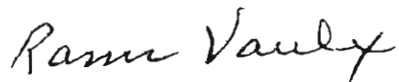
The referenced report admits there will be an adverse visual impact on Yancey's Tavern from the conversion of the present two lane Hwy 126 to a divided four lane with curbs,

gutters and sidewalks as recommended by the resource team. Trying to excuse this by saying the Tavern has always been on a main road starting with the Island Road, which was built in 1761, is laughable. Fronting direct on an urban four-lane would alter the Tavern's context in the history of our community and state! Taking no right-of-way from the Yancey's Tavern National Register boundary is commendable and should be an absolute if avoidance of delay of the project is a factor.

One of the most distressing and unacceptable adverse impacts revealed by the referenced report is the destruction of Chestnut Ridge Road west of Yancey's Tavern (see map showing right-of-way requirements, Figure 10, page 18). This road is the paved continuation of the 1761 Island Road which runs in front of the Tavern and on up Chestnut Ridge. Our patriot ancestors traversed this route via the present Old Stage Road down the ridge to the important triumph over the Indians at the 1776 Battle of Island Flats. After the Island road was rerouted about 1830 the settlers followed it over Chestnut Ridge to Exchange Place, Kingsport's popular living history farm. Destruction of the eastern section of Chestnut Ridge Road (paved Island Road) will destroy the ability of heritage tourists and our own public to follow the actual historic route. If we are serious about developing heritage tourism and our officials certainly make a lot of noise about it, we need to preserve assets as significant as Chestnut Ridge/Island Road.

No one denies Highway 126 is overdue for a safety upgrade. It needs shoulders with rumble strips, turn lanes at its four major intersections, and sight distance improvements where passing could be safe. Section 3 East of Highway 126 has never had current or projected traffic counts to justify a four-lane configuration. The resource team's recommendation for this section destroys historic heritage, community graves and homes, and much of scenic Chestnut Ridge at a staggering cost that is completely unjustified. The two-lane Concept A is the prudent, feasible, cost effective, and context sensitive alternative for Section 3 East.

Sincerely,

A handwritten signature in cursive script that reads "Rann Vaulx".

Rann Vaulx
Owner of Yancey's Tavern

cc: Patrick McIntyre, TN-SHPO, Dennis Houser (Sullivan County Historic Preservation Association), Robert Notestine (APTA), Mary Fanslow (Netherland Inn/Exchange Place Association)

November 19, 2008

Tammy Sellers,
Historic Preservation Supervisor
State of Tennessee Department of Transportation
Environmental Division
505 Deadrick Street
Suite 900, James K. Polk Building
Nashville, TN 37243-0349

SUBJECT: Documentation of Effect for the Proposed Improvements to State Route 126
(Memorial Boulevard) from East Center Street to Interstate 81 in Kingsport,
Sullivan County, Tennessee

Dear Ms. Sellers:

Rann Vaulx, owner of Yancey' Tavern, shared his copy of TDOT's "Documentation of Effect Report Pursuant to 36 CFR 800 for Proposed Improvements to State Route 126 (Memorial Boulevard) from East Center Street to Interstate 81, Sullivan County," September 2008, with me. As a citizen representative on the SR 126 Community Resource Team (CRT) with a keen interest in our community's historic resources, I appreciated the opportunity to review the report. I would like to submit the following comments and questions for inclusion in the review and evaluation of alternatives for Section 3 East.

Context Sensitive Solutions

As I'm sure you are aware, the improvement of the 8.8-mile segment of SR 126 is Tennessee's pilot project for the Context Sensitive Solutions (CSS) process. As such, it would be relevant to include an overview of the Core Principles of CSS in this report. In brief:

- The project is a safe facility for both the user and the community.
- The project is in harmony with the community, and it preserves environmental, scenic, aesthetic, historic, and natural resource values of the area, i.e., exhibits context sensitive design.
- The project exceeds the expectations of both designers and stakeholders and achieves a level of excellence in people's minds.
- The project involves efficient and effective use of the resources (time, budget, community) of all involved parties.
- The project is designed and built with minimal disruption to the community.
- The project is seen as having added lasting value to the community

From the Community Resource Team's June 22, 2005, Recommendation, *"The CRT wants to minimize impacts to and protect the integrity of community treasures in the SR 126 study area. Sites that are considered community treasures include:*

- *Cherry Point Animal Hospital (Barger house)*
- *White house at the corner of Santana Road and SR 126 (Testerman house)*
- *East Lawn Cemetery*
- *Chestnut Ridge view shed*
- *Anything within the historic boundary of Yancey's Tavern, including the tavern, barn, and trace of Old Island Road*
- *Shipley Mansion"*

CSS principles are particularly germane to the discussion of Section 3 East that includes the Yancey's Tavern National Register Site (including Island Road), East Lawn Cemetery, and a significant portion of Chestnut Ridge. This should be a high priority driver in selection of the appropriate alternative.

Alternatives

Three major concepts or alternatives were developed by the Resource Team and were examined for each of the eight sections of the road project. Given the sensitive nature of the community treasures located in Section 3 East, all three alternatives need to be evaluated with regard to impacts to Yancey's Tavern, as well as East Lawn Cemetery and Chestnut Ridge.

- Concept A – generally a two-lane roadway
- Concept B – so-called "three-lane." Two travel lanes and a center turn lane
- Concept C – a four-lane roadway with either a raised median or center turn lane

All concepts have bicycle and pedestrian accommodations, shoulders, improved curvature, improved line of sight and other modern safety features. Of note, traffic counts drop dramatically east of Harbor Chapel Road and do not justify four-laning.

Report Comments

Page 14. Just a point of clarification--please note that while on p.10 the report correctly identifies the road immediately south of the Yancey's Tavern property as Chestnut Ridge Road, on p. 14 it incorrectly identifies it on the map as "Old Stage Road." This is an important clarification, since it is a paved portion of Island Road which merits further consideration. (See comments re p. 16)

Page 14 states, under Effects to Yancey's Tavern, *"... the cross-section adjacent to the historic Yancey's Tavern will be a four-lane roadway with a median, curb, gutter, and sidewalks."* Issue must be taken with the words, *"will be."* That is yet to be determined.

While Concept C was the recommendation of a majority of the Resource Team, there were dissenting opinions on the team. (See Minority Report attachment.) In an October press release, "TDOT Announces Decision on State Route 126/Memorial Boulevard," posted on the TDOT SR 126 website, are the following remarks by Commissioner Nicely:

"There is concern over the use of a 4 lane section from East of Old Stage Road to Cooks Valley Road and the impact this would have on the ridge, Yancey's Tavern and East Lawn Cemetery," said Commissioner Gerald Nicely. "These concerns must and will be addressed during the preparation of the EIS for this truly to be a Context Sensitive Solutions process."

[<http://www.tdot.state.tn.us/news/2005/102705a.htm>]

When and how will these concerns be addressed?

Page 16. It is reassuring that the alternative (Concept C) with the greatest impact on Section 3 East *"would not cause physical damage to all or part of the historic Yancey's Tavern property or result in the removal of the property from its historic location."* There is sincere disagreement, however, with the opinion that, *"Although the proposed State Route 126 is (a) four-lane median divided roadway, the location adjacent to Yancey's Tavern is a continuation of the property's historic past that so closely linked its use to the road itself. Therefore in the opinion of TDOT, the proposed project would not change the character of the property's use that contributes to its historic significance."* Yancey's Tavern is immediately linked with Island Road, the trace of which remains on the property and on Chestnut Ridge Road which is the paved section of the historic Island Road on which the Tavern fronts. It is retention of that road, yet existent, that provides the true and actual historic context for the Tavern and its property, not SR 126.

While, unfortunately, Chestnut Ridge Road was not identified as a historic resource of concern for the purposes of this study, nevertheless, it is of concern to the community and the state. It is certainly an element for CSS consideration. It yet provides the historic travel corridor to the Battle of Long Island Flats, and its reroute ca. 1830 to Exchange Place. Disruption of this road for today's heritage travelers would be a great loss. While not a legal requirement, it is within the purview of TDOT to be sensitive to the protection of this pre-Revolutionary historic road. *Historic Roads* (www.historicroads.org) recognizes the importance that roads have played in our nation's history, "enhancing our understanding of the American experience..." TDOT has a great opportunity to help protect—at least to do no harm—to what was the state's first road and played such a prominent role in our country's history.

Page 17. I completely concur with TDOT's conclusion that Concept C "would introduce an adverse visual impact and therefore have an adverse effect to the National Register Property." Fortunately there is an alternative!

Page 4

Summary

Given 1) the inherent devastating impacts of Concept C to the community's significant historic and environmental attributes on Section 3 East, 2) the low level of use--current and projected, and 3) the exceedingly high costs of four-lane median divided construction on Chestnut Ridge, what is the justification for its selection?

An evaluation of Concepts A and B by TDOT is in order, not only for the purpose of upholding the principles of Context Sensitive Solutions, but also for minimizing the impacts to a National Register listed property by selecting the most prudent and feasible alternative.

Thank you for the opportunity to speak to community concerns. Please add me to your circulation list on this project. I am enclosing several supporting documents with my letter.

Sincerely,

A handwritten signature in cursive script that reads "Judith B. Murray". The signature is written in dark ink and is positioned above the printed name.

Judith B. Murray
804 Rock City Road
Kingsport, TN 37664

cc: Rann Vaulx
State Historic Preservation Office
Claudia Moody, Northeast Heritage Tourism Area
Shelia Hunt, Sullivan County Historian
Ray Henson, TDOT 126 Project Manager

Enclosures

For Immediate Release:
October 27, 2005



TDOT Announces Decision on State Route 126/Memorial Boulevard

Nashville, Tenn. – Governor Phil Bredesen and the Tennessee Department of Transportation (TDOT) announced today that the state will accept the State Route 126 Community Resource Team (CRT) recommendation. This recommendation will now move forward as an alternative that will be studied further during the Environmental phase of work. During this phase an Environmental Impact Statement (EIS) will be prepared according to NEPA (National Environmental Protection Act) standards. This phase is currently not in the Department's transportation budget, but will be considered when next year's budget is developed. Funding, however, is available to begin technical studies including, ecological, archeological, geological and historical. This information will be included in the final EIS.

"This milestone represents a lot of hard work and commitment by the volunteers on the Citizens Resource Team and I would like to thank them for their efforts," said Bredesen.

The Community Resource Team (CRT) for the State Route 126 (Memorial Boulevard) Context Sensitive Solution (CSS) project has worked together since October 2003 to study and prepare a concept plan recommendation for improving SR 126 in Kingsport and Sullivan County. The project is considered by TDOT to be its' "pilot" CSS project. Documentation of the process and lessons learned will be part of the project report.

The project study area extends from East Center Street to Interstate 81, a distance of approximately 8 miles. During the 21-month CRT study process, the team gathered thirteen times for meetings, training, and workshops and conducted three Public Involvement Sessions in Kingsport. Public opinion was surveyed at each session and the results of those surveys were reviewed and discussed by the CRT and used to guide their decision making.

- CRT unanimously agreed upon:
 - 11 Enhancement features in the Design Plan.
 - 10 Safety Improvements, with safety stated as the number one priority for SR 126.
 - 7 Points of interest to the community.
 - 4 Other special Issues.

Working together the CRT developed recommendations for roadway cross sections. The recommendations are divided into eight sections, identified by intersecting cross streets.

- Five of the eight sections, the CRT developed consensus design recommendations.
- Three of the eight sections, the CRT developed design recommendations that were supported by a majority of team members.
- The attached map shows a graphic depiction of the CRT's team recommendation for number of travel lanes on SR 126.

Consensus design recommendations include:

- Improve these sections to a four-lane median divided facility with curb, gutter and sidewalks:
 - Section 1 West – East Center Street to Orebank Road.
 - Section 1 East – Orebank Road to West of Hawthorne Street.
 - Section 3 West – Harbor Chapel Road to east of Old Stage Road.
- Improve this section to four travel lanes and a center turn lane with curb and gutter and sidewalks:
 - Section 2 – West of Hawthorne Street to Harbor Chapel Road.

- Provide an improved two-lane roadway with paved shoulders, wide centerline, and rumble strips:
 - Section 4 East – Harrtown Road to Cochise Trail.

Majority design recommendations with minority objection statements include:

- Improve this section to a four-lane median divided facility with shoulders:
 - Section 3 East – East of Old Stage Road to Cooks Valley Road.
- Improve this section to provide two travel lanes and a center turn lane with curb, gutter and sidewalks:
 - Section 4 West – Cooks Valley Road to Harrtown Road.
- Provide an upgraded two-lane roadway with paved shoulders, wide centerline, and rumble strips:
 - Section 5 – Cochise Trail to Interstate 81.

"There is concern over the use of a 4 lane section from East of Old Stage Road to Cooks Valley Road and the impact this would have on the ridge, Yancey's Tavern and East Lawn Cemetery," said TDOT Commissioner Gerald Nicely. "These concerns must and will be addressed during the preparation of the EIS for this to truly be a Context Sensitive Solutions process."

"Context Sensitive Solutions (CSS) is a new way transportation planning approach being used by TDOT which provides solutions that are not only safe and effective, but are also designed in harmony with the community and environment", said Senator Ron Ramsey. "This process benefits us all."

"It took extensive community effort and commitment to get to this point and the results will be a better overall product," added Representative Nathan Vaughn. "I'd like to thank everyone involved in the process."

"US126 will be a vital transportation corridor for Sullivan County and is a much needed improvement for the region," said Representative Jason Mumpower. "The resource team's safety suggestions are important too."

For a map depicting some of the State Route 126 CRT's recommendations go or for more information about CSS, go to www.tennessee.gov/tdot.

Minority Report for Section 3 East Of State Route 126 in Sullivan County

Basic concept for this segment:

Old Stage Road to Cooks Valley Road: Concept A with a right turn lane onto Lemay Drive.

Statement of Purpose:

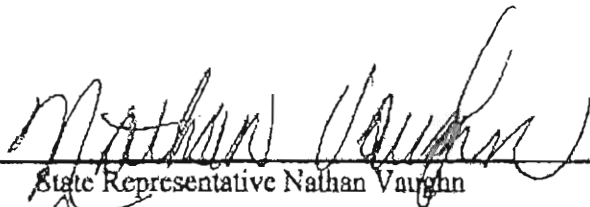
We find ourselves in fundamental opposition to the exhumation of human remains or the destruction of an historical treasure (Yancey's Tavern property) while a viable alternative is available that fulfills the agreed upon requirements for the project. Further, with respect to the preservation of Chestnut Ridge, we also are unable to accept a solution or concept that is more destructive with respect to the original contours and appearance of the ridge than is required, while a viable alternative exists that, again fulfills the agreed upon requirements for the project.

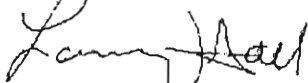
Rationale:

- **Safety**
 - Eight foot shoulders, guard rails, improved sight distances and improved horizontal and vertical curves
 - Has centerline & shoulder rumble strips to minimize lane departure (as recommended in State of Tennessee Strategic Highway Safety Plan, p. 8, 11/17/04)
 - Designated right turn lane into Lemay Drive provides greater safety for new traffic by adjacent road closures. Also allows eastbound traffic to continue while vehicles make right turn.
- **Community Impacts**
 - Concept A has the least impact to Chestnut Ridge both environmentally and visually.
 - Concept A has the smallest number of impacts to residences.
 - Best preserves the community wishes of maintaining the scenic beauty of Chestnut Ridge.
- **Cost Justification**
 - B & C are not justified by actual and projected traffic counts through 2028.
 - B & C are not justified by turning needs (few driveways & minimal left turns to side roads since most traffic is westbound in the morning and eastbound in the evening)

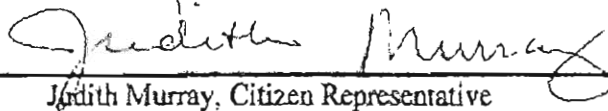
MINORITY OBJECTION STATEMENTS

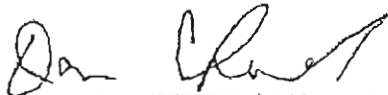
- There is a lack of consideration of cost in this section in light of the lack of potential benefit that might be realized by the community.
- Public Response
 - 58% of those surveyed in Public Session III chose an option other than a 4-lane, i.e. Concept C, in the section.
 - Additionally, a petition with 1100+ names expressed a preference for a two lane road in this section.
 - Eleven foot travel lanes minimize the road footprint.
 - Concept A impacts East Lawn Cemetery the least of all concepts
 - Concept A protects the historic Yancey tavern and barn, as well as remnants of Old Island Road and the surrounding site. The history of this area predates the American Revolution
- Mobility
 - Right turn lane increases capacity in Concept A.
 - Traffic counts have drastically fallen east of Old Stage Road.


State Representative Nathan Vaughn



Larry Hall, Member of the Sullivan County Board of Commissioners, District 6

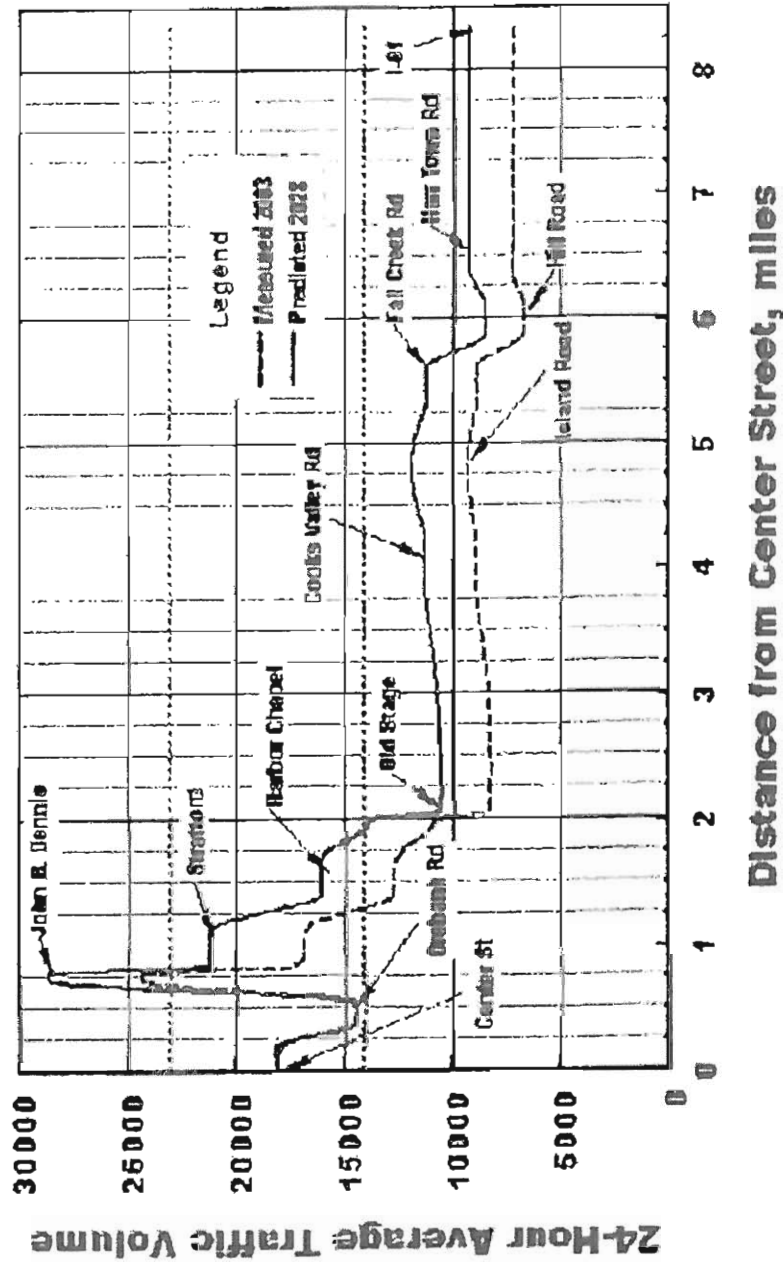

Judith Murray, Citizen Representative



Dan Cheek, Citizen Representative

2005

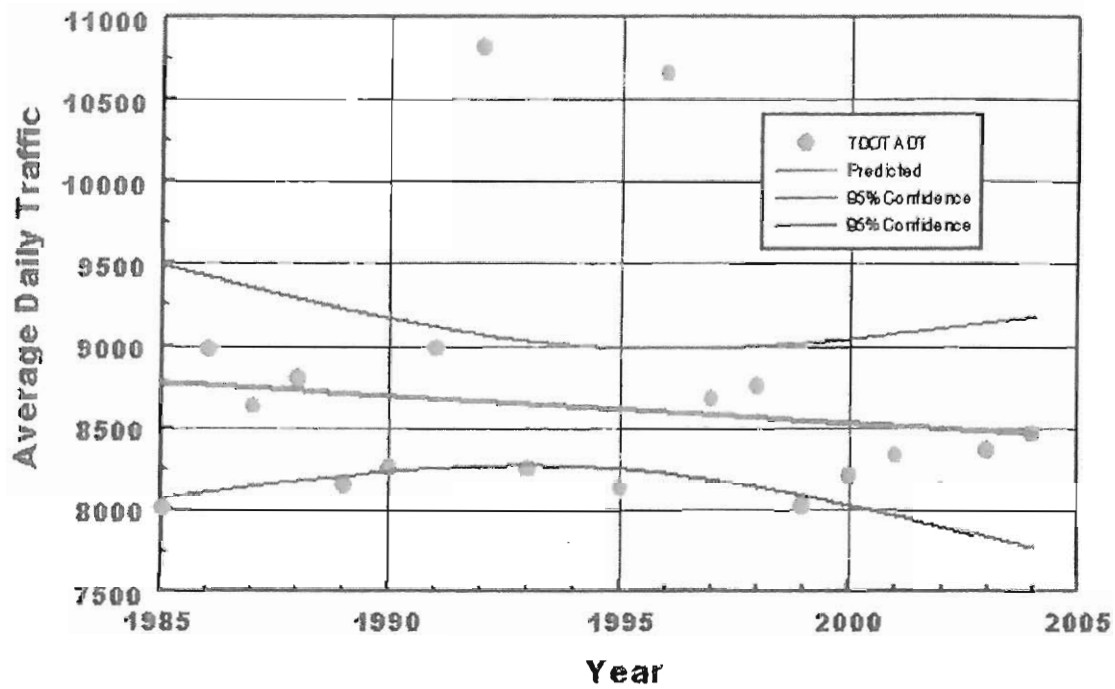
Predicted Traffic Growth along SR-126



Station #	County	Location	Route #
000167	Sullivan	MEMORIAL - KINGSPORT	SR126

Record	Year	AADT
1	2007	7773
2	2005	8718
3	2004	8465
4	2003	8358
5	2002	8117
6	2001	8335
7	2000	8206
8	1999	8015
9	1997	8675
10	1996	10655
11	1995	8130
12	1994	7846
13	1993	8250
14	1992	10816
15	1991	8988
16	1990	8253
17	1989	8150
18	1988	8800
19	1987	8625
20	1986	8980
21	1985	8001
22	2006	8057
23	1998	8753

Average Daily Traffic for TN-167



Not reflected on this graph

<u>Year</u>	<u>ADT</u>
2005	8715
2006	8557
2007	1775



ASSOCIATION
FOR THE
PRESERVATION
OF TENNESSEE
ANTIQUITIES

December 18, 2008

Ms. Tammy Sellers
Historic Preservation Supervisor
State of Tennessee
Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900, James W. Polk Building
Nashville, TN 37243-0349

Re: Comments regarding proposed improvements to State Route 126 in
Sullivan County - Adverse Impact on Yancey's Tavern.

Dear Mr. Sellers:

I am in receipt of your letter dated November 24, 2008 and I have reviewed the Documentation of Effect Report pursuant to 36 CFR 800. Thank you for providing this information which I found to be very informative. I also concur that the proposed project has potential negative effect on Yancey's Tavern. The APTA is not in favor of any negative impact of the project on this unique historic site.

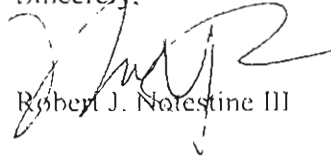
Yancey's Tavern has been selected by our Board as a significant historic site due both to its 18th century architecture, its continued presence and recognition in the Kingsport area, and its role as a gathering place and government center in the 18th and 19th centuries. Any act that would minimize the view of this structure from the public would be a disservice to historic preservation in this state. The construction of the proposed State Route 126 in such a manner as to cause the four lane road to be immediately adjacent to Yancy's Tavern as stated in page 16 of your document package cannot be supported by this organization.

In this light we urge TDOT to modify the proposed plan to minimize any negative aspects of this project upon Yancey's Tavern. It is a truly unique structure. Upon entering Yancey's Tavern

one truly has an immediate sense of being in the past. Constructing a modern four lane highway upon to the front boundary of the Tavern will frankly greatly diminish this sense of history.

I certainly don't wish to unduly interfere in this project but I am hereby requesting that you consider the position of the APTA in your planning process for this project. I will be glad to discuss this matter further with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Nolestine III", written over the printed name.

Robert J. Nolestine III

cc: Ms. Ron Vaulx
E. Patrick McIntyre, Jr., THC
Martha Sloan, Executive Director, APTA



Netherland Inn

Netherland Inn/Exchange Place Association, Inc.

P. O. Box 293
KINGSPORT, TENNESSEE 37662



Exchange Place

April 1, 2009

Ms. Tammy Sellers
Historic Preservation Supervisor
State of Tennessee
Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900, James W. Polk Building
Nashville, TN 37243-0349

Dear Ms. Sellers:

I am responding on behalf of the Netherland Inn / Exchange Place Association (NIA) to the Documentation of Effect Report pursuant to 36 CFR 800. The NIA believes that the project proposed by TDOT has potential adverse impact on Yancey's Tavern and the adjacent Chestnut Ridge Road and Chestnut Ridge view shed.

Yancey's Tavern and its environs constitute an important part of the history of Sullivan County and, in fact, our nation's history. Yancey's Tavern, built 209 years ago, served as the meeting place for the second meeting of the Sullivan County Commissioners. The road that connected it to Abingdon and up Chestnut Ridge is the Island Road. The Island Road is the second oldest military road (after Braddock's Road) in the country and the first wagon road in Tennessee. It was built in 1761 to bring the militia from Chilhowie to Long Island of the Holston where, as in the Watauga and Nolichucky River Valleys, significant settlements had developed. It is the oldest still in-use road in the state.

The critical importance of Island Road became apparent in the summer of 1776 when Cherokee, incited by the British to rise up against colonists in the west, approached the Long Island of the Holston. In response, colonists gathered at Eaton's Fort (near Yancey's Tavern). Using Island Road, the militia arrived at Eaton's Fort before the Indians. It was decided that the best strategy would be to march out and engage the Cherokee before being penned up in the fort. The settlers readily agreed, and together the militia and settlers marched along the Island Road to near the current intersection of Memorial Boulevard (Hwy 126) and Center Street where they engaged in a brief, but violent, skirmish with the Cherokee, known as the Battle of Island Flats. This battle figures prominently in Theodore Roosevelt's 1889 work, *The Winning of the West*.

The TDOT proposal for modifying Hwy 126 would render an adverse impact on this route and the ridge itself and potentially destroy a significant aspect of our history. The NIA requests that TDOT reconsider its proposal and consider alternatives that would

Netherland Inn Exchange Place Hammond House

minimize any negative aspects of its project upon Yancey's Tavern and the Chestnut Ridge Road and its view shed.

Thank you for sending the NIA the proposal documentation and for allowing us to comment.

I am enclosing a copy of a new brochure, "Pioneer Pathways." This brochure is the first of a series of planned brochures on historic pathways. The next one to be produced in the next year or so will cover the Island Road. We envision that these brochures will give area residents and tourists an appreciation for historic pathways in Sullivan County.

Sincerely,

A handwritten signature in cursive script that reads "Mary Fanslow".

Mary Fanslow
President, NIA

cc: Dr. Rann Vaulx
Dr. E. Patrick McIntyre, Jr., THC
Rep. Tony Shipley
Mr. Bill Albright, City of Kingsport
Honorable Steve Godsey, Mayor of Sullivan County
Lt. Governor Ron Ramsey
Ms. Sheila Steele Hunt, Director, Sullivan County Dept. of Archives and Tourism
Commissioner Gerald Nicely, TDOT
Mr. Ray Henson, SR 126 Project Leader, TDOT

APPENDIX F
PUBLIC PARTICIPATION



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL PLANNING AND PERMITS DIVISION**

SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3653

**GERALD F. NICELY
COMMISSIONER**

**PHIL BREDESEN
GOVERNOR**

November 19, 2003

Mr. James Bird
Tribal Historic Preservation Officer
Eastern Band of Cherokee Indians
Qualla Boundary
P.O. Box 455
Cherokee, NC 28719

Sample Letter to Native Americans

SUBJECT: Section 106 Initial Coordination for Proposed Improvements to State Route 126
(Memorial Blvd) From E. Center St. in Kingsport to I-81, Sullivan County, Tennessee

Dear Mr. Bird:

The Tennessee Department of Transportation (TDOT) in cooperation with the Federal Highway Administration is in the planning stages of evaluating the above-referenced project for possible implementation. The location of the proposed project is shown on the enclosed map.

The 2001 Advisory Council on Historic Preservation regulations, 36 CFR 800, stipulate that Indian tribes that attach religious and cultural significance to properties that may be affected by an undertaking be invited to participate in the project review process as consulting parties. TDOT would like to invite you to participate as a consulting party for the proposed project. This letter is also TDOT's request for comments on the identification of properties in the project's area of potential effect that may be of religious and cultural significance to your tribe.

If you choose to participate as a consulting party on the above-referenced project, you will receive copies of cultural assessment reports that identify Native American related properties. You will also be invited to attend project-related meetings with FHWA, TDOT and the Tennessee State Historic Preservation Office (TN-SHPO), if any are held. We respectfully request written responses to project reports and other materials within thirty (30) days of receipt.

If you would like to participate as a consulting party, please respond to me via letter, telephone (615-741-5257), fax (615-741-1098) or E-mail (Gerald.Kline@state.tn.us). To facilitate our planning process, please respond within 30 days of receipt of this letter. If you do not respond, you will not receive reports related to this project unless you specifically request them at a later date. Thank you for your assistance.

Sincerely,

Gerald Kline
Transportation Specialist I
Archaeology Program Manager

Enclosure



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
OFFICE OF ENVIRONMENTAL PLANNING AND PERMITS
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3653

GERALD F. NICELY
COMMISSIONER

PHIL BREDESEN
GOVERNOR

November 19, 2003

Richard Venable, County Mayor
3411 Hwy 126, Ste 206
Blountville, TN 37617

Letter to Local Government Official

RE: Section 106 Initial Coordination for Proposed Improvements to State Route 126
(Memorial Blvd) From E. Center St. in Kingsport to I-81, Sullivan County,
Tennessee

Dear Mr. Venable:

The Tennessee Department of Transportation (TDOT) in cooperation with the Federal Highway Administration is proposing to improve the above referenced project. Its location is shown on the enclosed map.

The 2001 Advisory Council on Historic Preservation regulations stipulate that TDOT invite local government representatives to participate in the historic review process as a consulting party. TDOT would like to invite you, as the local government official, to participate as a consulting party for the proposed project.

If you choose to participate as a consulting party, you will receive copies of TDOT's environmental reports and will be invited to attend project-related meetings between TDOT and the Tennessee State Historic Preservation Office (TN-SHPO), if any are held. As a consulting party, you should be prepared to attend any such meetings between TDOT and the TN-SHPO and provide a response to TDOT's reports in written form within 30 days upon receipt of the report. TDOT also wishes to seek your comments on the identification and evaluation of historic properties that the proposed project might impact.

If you would like to participate as a consulting party, please write to me at the above address. To facilitate our planning process, please respond within 30 days of receipt of this letter. Thank you for your assistance.

Sincerely,

Martha Carver
Historic Preservation Program Manager

Enclosure
cc: Mr. Herbert Harper, TN-SHPO



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
OFFICE OF ENVIRONMENTAL PLANNING AND PERMITS
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3653

GERALD F. NICELY
COMMISSIONER

PHIL BREDESEN
GOVERNOR

November 19, 2003

Jeanette Blazier, Mayor
City of Kingsport
225 West Center Street
Kingsport, TN 37660

Letter to Local Government Official

RE: Section 106 Initial Coordination for Proposed Improvements to State Route 126
(Memorial Blvd) From E. Center St. in Kingsport to I-81, Sullivan County,
Tennessee

Dear Ms. Blazier:

The Tennessee Department of Transportation (TDOT) in cooperation with the Federal Highway Administration is proposing to improve the above referenced project. Its location is shown on the enclosed map.

The 2001 Advisory Council on Historic Preservation regulations stipulate that TDOT invite local government representatives to participate in the historic review process as a consulting party. TDOT would like to invite you, as the local government official, to participate as a consulting party for the proposed project.

If you choose to participate as a consulting party, you will receive copies of TDOT's environmental reports and will be invited to attend project-related meetings between TDOT and the Tennessee State Historic Preservation Office (TN-SHPO), if any are held. As a consulting party, you should be prepared to attend any such meetings between TDOT and the TN-SHPO and provide a response to TDOT's reports in written form within 30 days upon receipt of the report. TDOT also wishes to seek your comments on the identification and evaluation of historic properties that the proposed project might impact.

If you would like to participate as a consulting party, please write to me at the above address. To facilitate our planning process, please respond within 30 days of receipt of this letter. Thank you for your assistance.

Sincerely,

Martha Carver

Martha Carver
Historic Preservation Program Manager

Enclosure
cc: Mr. Herbert Harper, TN-SHPO

Sullivan County
Office of the County Executive



Richard S. Venable
County Executive

December 10, 2003

Ms. Martha Carver
T.D.O.T.
Environmental Planning & Permits
Suite 900, James Polk Bldg
505 Deaderick Street
Nashville, TN 37243-0334

RE: Improvements to S.R. 126, Sullivan County, Tennessee

Dear Ms. Carver:

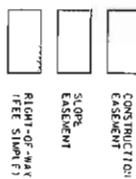
Please include me on your list of consulting party contacts for the above referenced project.

Warmest regards,

A handwritten signature in black ink that reads "Richard S. Venable". The signature is fluid and cursive.

Richard S. Venable
Mayor of Sullivan County

RSV/ait



SCALE: 1" = 10'

Scale: 1 - 10

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

3 LANE
CONCEPTUAL
LAYOUT

SCALE: 1" = 50'

ATTACHMENT F – SECTION 106 ARCHAEOLOGICAL CORRESPONDENCE



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

February 27, 2014

Muscogee (Creek) Nation
P.O. Box 589
Okmulgee, OK 74447
Attn: Mr. Emman Spain, THPO

SUBJECT: Section 106 Initial Coordination for the Proposed SR-126 (Memorial Blvd) Project, from East Center Street to I-81, Kingsport, Sullivan County, Tennessee

Dear Mr. Spain:

The City of Kingsport in cooperation with the Tennessee Department of Transportation (TDOT) is proposing to implement the SR-126 (Memorial Boulevard) project in Sullivan County (maps attached). The widened roadway would vary from two-lanes to four-lanes with a landscaped raised median between the eastern city limits of Kingsport and I-81. The approximate project length is 8.4 miles. Additional right-of-way is required.

Native American Coordination was originally distributed for this project on January 9, 2012. Since then, your tribe added Sullivan County to its list of counties of interest for transportation projects in Tennessee.

The National Historic Preservation Act (NHPA) recognizes that federally funded undertakings, like the subject project, can affect historic properties to which your tribe attaches religious, cultural, and historic significance. In accordance with 36 CFR 800 regulations implementing compliance with Section 106 of the NHPA, I would like to know if you have information you could share with me about tribal concerns in the project area and if you wish to be a consulting party on the project? Early awareness of your concerns can serve to protect historic properties valued by your tribe.

If you act as a consulting party you will receive archaeological assessment reports and related documentation, be invited to attend project meetings with FHWA, TDOT, and the Tennessee State Historic Preservation Office (TN-SHPO), if any are held, and be asked to provide input throughout the process. If you choose to not act as a consulting party at this time, you can do so at a later date simply by notifying me.

Please respond to me via letter, telephone (615-741-5257), fax (615-741-1098), or E-mail (Gerald.Kline@tn.gov). I respectfully request responses (email is preferred) to project reports and other materials within thirty (30) days of receipt if at all possible. Thank you for your assistance.

Sincerely,

Gerald Kline
Transportation Specialist I
Archaeology Program Manager

Enclosure

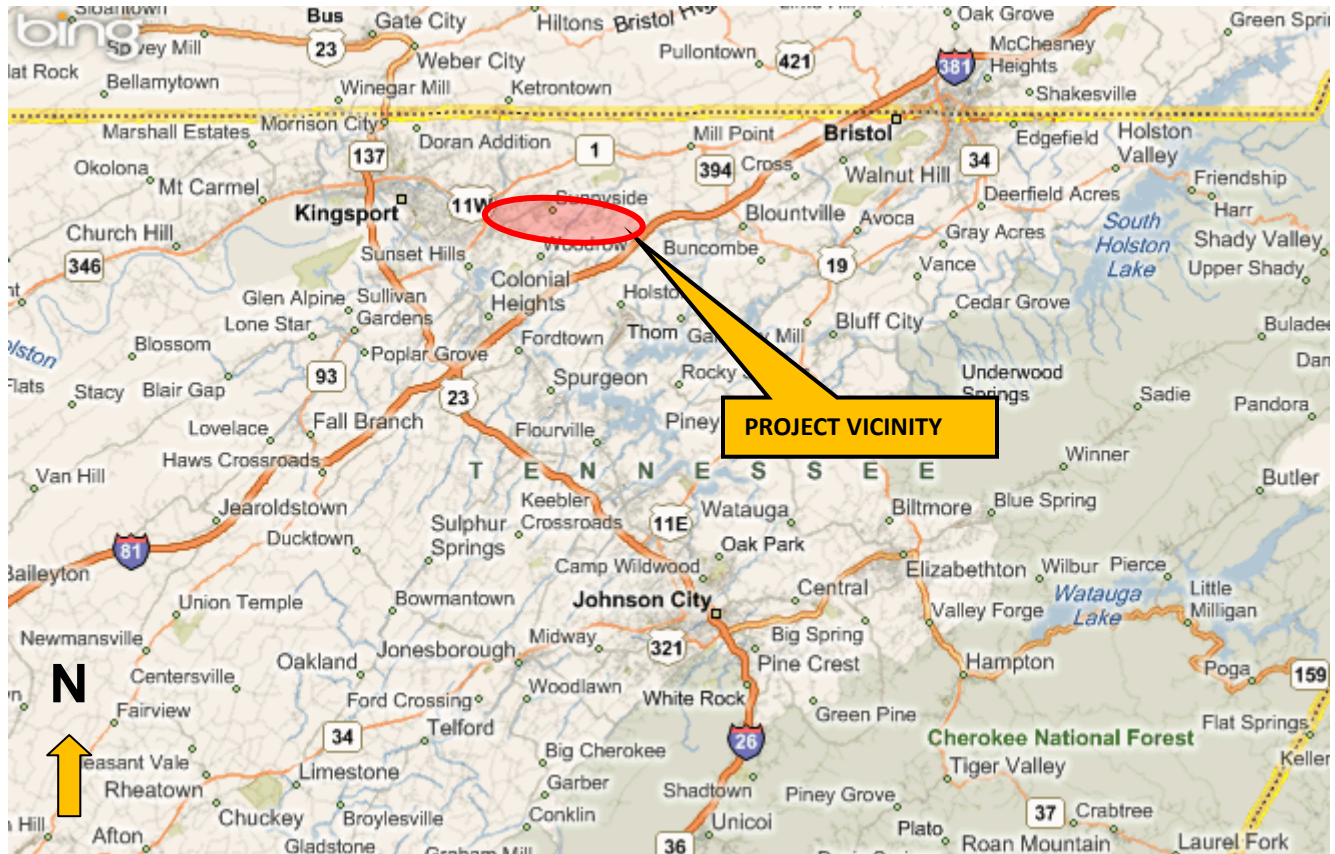
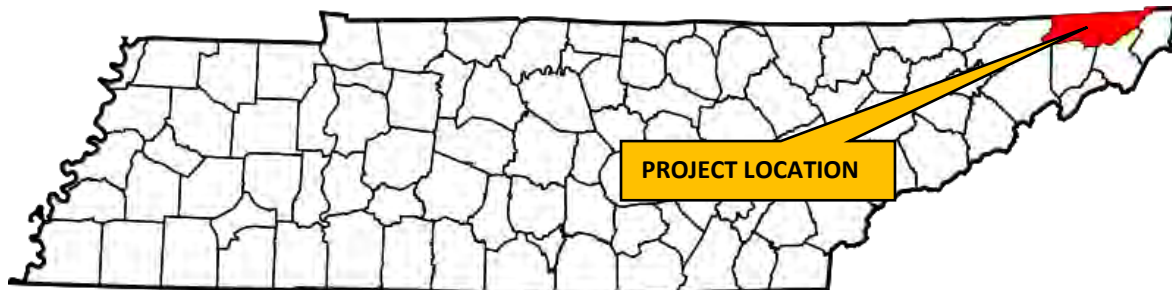
cc Robin Dushane, Eastern Shawnee Tribe of Oklahoma
Kim Jumper, Shawnee Tribe
Lisa C. Baker, United Keetowah Band of Cherokee Indians
Tyler Howe, Eastern Band of Cherokee Indians
Richard Allen, Cherokee Nation



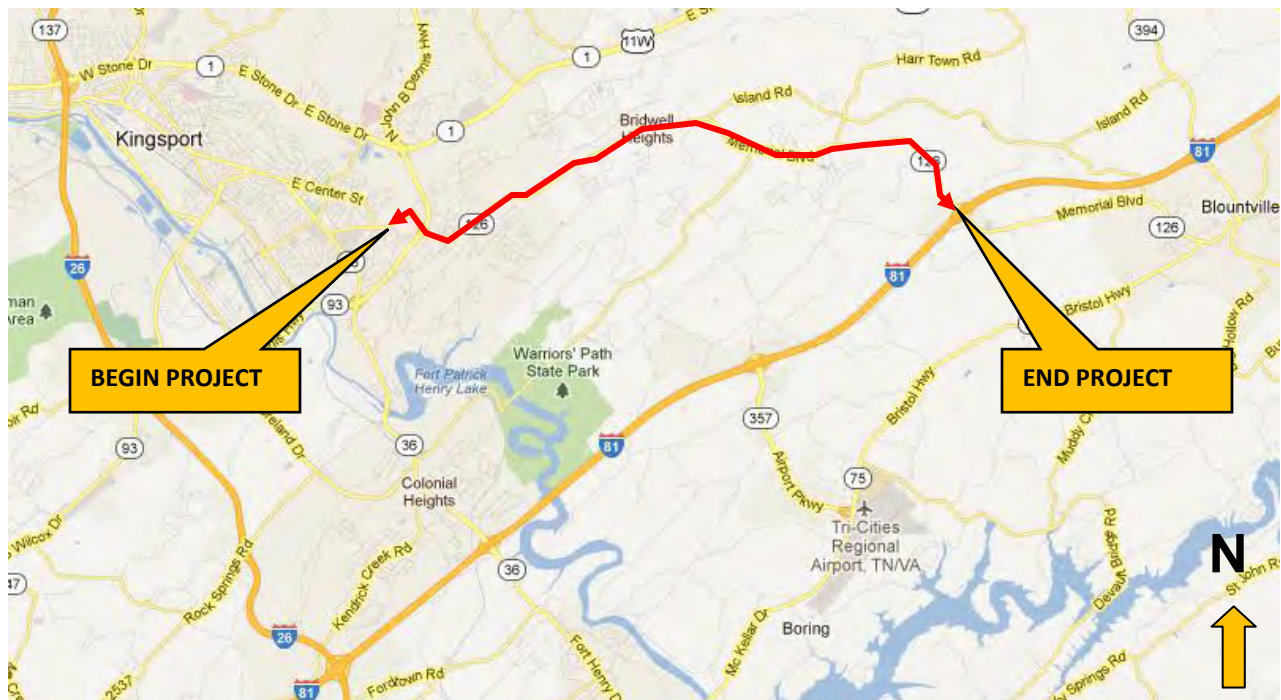
SR-126 (MEMORIAL BOULEVARD) PROJECT

FROM EAST CENTER STREET TO I-81

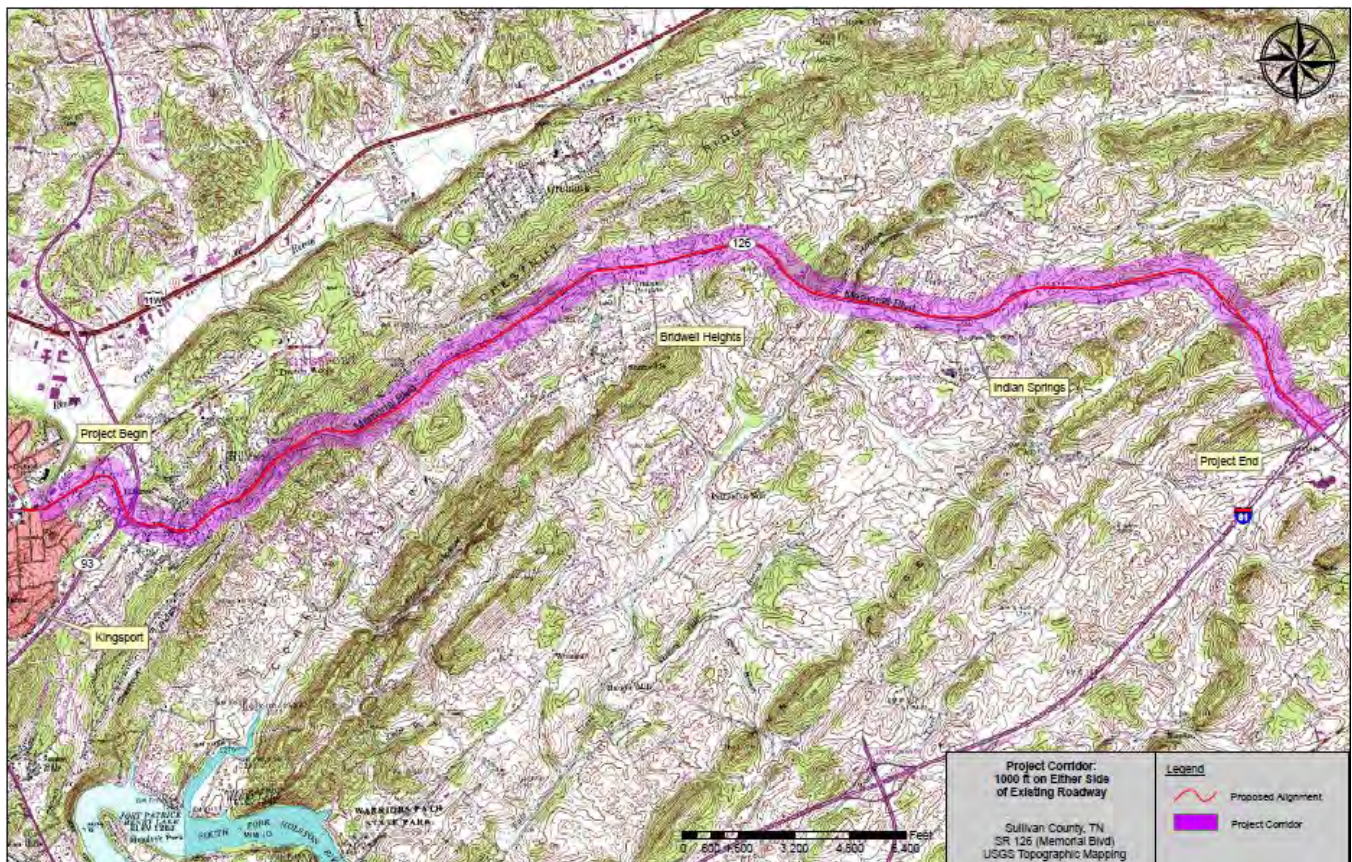
KINGSPORT, SULLIVAN COUNTY, TENNESSEE



PROJECT VICINITY MAP



PROJECT LOCATION MAP



PROJECT LOCATION MAPS – USGS QUAD Kingsport (188 SE) and Indian Springs (197 SW)





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION**

**SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655**

January 9, 2012

The Cherokee Nation
17675 South Muscogee
Tahlequah, OK 74464
Attn: Dr. Richard Allen, Research and Policy Analyst

SUBJECT: Section 106 Initial Coordination for the Proposed SR-126 (Memorial Blvd) Project, from East Center Street to I-81, Kingsport, Sullivan County, Tennessee

Dear Dr. Allen:

The City of Kingsport in cooperation with the Tennessee Department of Transportation (TDOT) is proposing to implement the SR-126 (Memorial Boulevard) project in Sullivan County (maps attached). The widened roadway would vary from two-lanes to four-lanes with a landscaped raised median between the eastern city limits of Kingsport and I-81. The approximate project length is 8.4 miles. Additional right-of-way is required.

The National Historic Preservation Act (NHPA) recognizes that federally funded undertakings, like the subject project, can affect historic properties to which your tribe attaches religious, cultural, and historic significance. In accordance with 36 CFR 800 regulations implementing compliance with Section 106 of the NHPA, I would like to know if you have information you could share with me about tribal concerns in the project area and if you wish to be a consulting party on the project? Early awareness of your concerns can serve to protect historic properties valued by your tribe.

If you act as a consulting party you will receive archaeological assessment reports and related documentation, be invited to attend project meetings with FHWA, TDOT, and the Tennessee State Historic Preservation Office (TN-SHPO), if any are held, and be asked to provide input throughout the process. If you choose to not act as a consulting party at this time, you can do so at a later date simply by notifying me.

Please respond to me via letter, telephone (615-741-5257), fax (615-741-1098), or E-mail (Gerald.Kline@tn.gov). I respectfully request responses (email is preferred) to project reports and other materials within thirty (30) days of receipt if at all possible. Thank you for your assistance.

Sincerely,

Gerald Kline
Transportation Specialist I
Archaeology Program Manager

Enclosure

cc Kim Jumper, Shawnee Tribe
Tyler Howe, Eastern Band of Cherokee Indians
Lisa LaRue, United Keetoowah Band of Cherokee Indians
Robin Dushane, Eastern Shawnee Tribe of Oklahoma

Robbie D. Jones

From: Richard Allen <Richard-Allen@cherokee.org>
Sent: Friday, March 02, 2012 12:37 PM
To: Robbie D. Jones
Subject: RE: Section 106 Coordination, Sullivan Co., TN #105467

The Cherokee Nation has no knowledge of any historic, cultural or sacred sites within the affected area. Should any ground disturbance reveal an archaeological site or human remains, we ask that the all activity cease immediately and the Cherokee Nation and other appropriate agencies be contacted immediately.

Thank you,

Dr. Richard L. Allen

Policy Analyst

NAGPRA/Section 106 Contact

Cherokee Nation

P.O. Box 948

Tahlequah, Oklahoma 74465

(918) 453-5466 (office)

(918) 822-2707 (cell)

(918) 458-5898 (fax)

From: Robbie.D Jones [<mailto:Robbie.D.Jones@tn.gov>]
Sent: Monday, January 09, 2012 3:46 PM
To: Richard Allen
Cc: Gerald Kline; Robbie.D Jones
Subject: Section 106 Coordination, Sullivan Co., TN #105467

Dear Dr. Allen:

I'm sending this email communication on behalf of Gerald Kline, Archaeology Program Manager for the Tennessee Department of Transportation. Please see the attached letters and maps for the following project:

- **SR-126, Kingsport, Sullivan County, Tennessee (PIN# 105467.00)**

If you have any questions or need additional information, please contact Gerald Kline at (615) 741-5257 or Gerald.Kline@tn.gov.

Thank you for your assistance in this matter.

Robbie

Robbie D. Jones
Native American Coordinator
TDOT Environmental Division
Director's Office
Suite 900, J K Polk Bldg.
Nashville, TN 37243-0334
Telephone: 615-741-3655
Fax: 615-741-1098
Robbie.D.Jones@tn.gov

Robbie D. Jones

From: Lisa Larue <llarue@unitedkeetoowahband.org>
Sent: Wednesday, January 11, 2012 8:07 PM
To: Robbie D. Jones
Cc: Laverna Stapleton
Subject: RE: Section 106 Coordination, Sullivan Co., TN # 105467

The United Keetoowah Band of Cherokee Indians in Oklahoma has reviewed your project, and has no comment or objections at this time. However, if any inadvertent discoveries of human remains or funerary items are encountered, please cease all work and contact us immediately.

Thank you,

Lisa LaRue

Acting Tribal Historic Preservation Officer

United Keetoowah Band of Cherokee Indians in Oklahoma

CELL: 918-822-1952 FAX: 918-458-6889

NOTE!!!! As of DECEMBER 15, 2011, PLEASE ADDRESS CORRESPONDENCE TO: UKBTHPO-LARUE@YAHOO.COM

PLEASE MAKE CHANGES TO YOUR ADDRESS BOOK, THANK YOU!!!

-----Original Message-----

From: Robbie.D Jones [<mailto:Robbie.D.Jones@tn.gov>]
Sent: Mon 1/9/2012 3:49 PM
To: Lisa Larue
Cc: Robbie.D Jones
Subject: Section 106 Coordination, Sullivan Co., TN # 105467

Dear Ms. LaRue:

I'm sending this email communication on behalf of Gerald Kline, Archaeology Program Manager for the Tennessee Department of Transportation. Please see the attached letters and maps for the following project:

SR-126, Kingsport, Sullivan County, Tennessee (PIN# 105467.00)

If you have any questions or need additional information, please contact Gerald Kline at (615) 741-5257 or Gerald.Kline@tn.gov.

Thank you for your assistance in this matter.

Robbie

Robbie D. Jones
Native American Coordinator
TDOT Environmental Division
Director's Office
Suite 900, J K Polk Bldg.
Nashville, TN 37243-0334
Telephone: 615-741-3655
Fax: 615-741-1098
Robbie.D.Jones@tn.gov



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

July 14, 2010

Mr. Gerald Kline
Tennessee Department of Transportation
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

RE: FHWA, ARCHAEOLOGICAL AVOIDANCE PLAN, SR-126/NORTH CENTER ST. TO I-81,
UNINCORPORATED, SULLIVAN COUNTY, TN

Dear Mr. Kline:

At your request, our office has reviewed the above-referenced archaeological avoidance plan in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we find that the revised project area contains no archaeological resources eligible for listing in the National Register of Historic Places.

If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



The Eastern Band of Cherokee Indians

Tribal Historic Preservation Office
P.O. Box 455, Cherokee, NC 28719
(828) 488-0237 / Fax (828) 497-1590

3/19/04

RE: PFH-306(7)-POIK Co

Petty Lane (A571) over Carter Creek, LM 2.32, Maury Co 2003207.
Fitzgerald Rd (A088) over Snow Creek, LM 2.98, Maury Co 2003205
Cane Creek Church Rd (A130) over Cane Creek, LM 0.06, Perry Co 2003203
State Route 141 (N) at State Route 10/25, Triondale Co 2003202.
State Route 245 (Campbellsville Pike) and Indian Camp Springs Rd, Maury Co 2003204
Roaring Fork Creek (A845) over Roaring Fork Creek, LM 0.01, Sevier Co 2001074
Bridge Improvements to SR 56 over Pigeon Creek, LM 20.56, Grundy Co 2002020
Bridge Improvements to SR 56 over Barren Fork, LM 7.7, Warren Co 2001116
" " " SR 286 " " " LM 2.54, " 2001116
Bridge Improvements to Trentham Hollow Rd over Clear Creek LM 2.95, Rock Co 2001116

The Eastern Band of Cherokee Indians appreciates the invitation to participate as a consulting party in compliance with 36CFR800 on the above referenced project(s). According to the information you provided, the EBCI THPO is unaware of any known cultural resources or archaeological sites in the project area significant to our Tribe. However, should any cultural resources or human remains be encountered during the proposed project's activities, work should cease and this office should be contacted immediately.

As a consulting party we request that you send all information pertaining to cultural resources within the above-referenced project(s) area of potential effect (APE) for our review and comment. If you have any questions, please direct them to me at (828) 488-0237.

Sincerely,

Mh

Michelle Hamilton
Tribal Historic Preservation Specialist
Eastern Band of Cherokee Indians
(828) 488-0237
michhami@nc-chokeee.com

PS: Sorry for the delay - working through a backlog

- Bridge Improvements to Earl Townsend Rd (A372) over West Fork Shoal Creek, LM 0.07, Giles Co 2003191
- Bridge Improvements to MLK Dr. (A584) over Branch LM 0.08, Madison Co 200316
- Bridge Improvements to Binkley Acres Rd (E488) over Brushy Fork Creek LM 0.06²⁰⁰³¹⁹⁰ Anderson Co
- Bridge Imp. to Beech Rd (A045) over Morgan's Creek LM 2.79, Overton Co 200318
- Bridge Imp. to Beech Rd (A045) over Bryan's Fork Creek, LM 0.93, Overton Co 200319
- Bridge Imp. to Ella West Rd (A042) over East Fork Lynn Creek LM 2.42, Giles Co 2003190
- Bridge Imp. to Yarnell Rd (E516) over Little Dismal Creek, LM 0.96, Anderson Co 2003194
- Bridge Imp. to SR 70 over Nolichucky R, LM 8.51, Greene Co 98059
- Imp. to SR 126 (Memorial Blvd) from E. Center St in Kingsport to I-81, Se 11, 200316
- Imp in Roane Co 1) Culvert Imp over westbound ramp of I-40 @ LM 12.23, 2) Bridge repair at I-40 Bridge over SR 58 @ LM 12.34 2003203
- Imp in Marion Co 1) Rehab drainage on SR 2 @ LM 26.93, 2) Rehab drainage on SR 2 @ LM 27.78, 3) Replace drainage on SR 283 @ LM 5.40
- Imp SR 96 (Mar freasboro Rd) and Royal Oaks Blvd, Williamson Co 2003018
- Bridge Imp to West 9th St Bridge over CSX Railroad LM 0.01, Maury Co 2000187
- Bridge Imp to Kennys Bend Rd (A230) over Lost Creek LM 1.23, Smith Co 200301
- Bridge Imp to Harris Hollow Rd (A047) over Defeated Creek, LM 0.19, Smith Co 20031
- Bridge Imp to SR 247 over Carters Creek LM 15.78, Maury Co 2000120
- Bridge Imp to SR 1 (Kingston Pike) over Norfolk Southern Railroad, LM 1517, Rnc 2000
- Bridge Imp to SR 33 (E. Broadway) over Bawn Creek, LM 12.51, Blount Co 200001
- Bridge Imp to SR 33 (E. Broadway) over Bawn Creek, LM 12.51, Blount Co 200001
- Bridge Imp to Rock Branch Rd over Hanging Rock Creek, LM 0.78, Macon Co 200318
- Bridge Imp to Carr Branch Rd over Carr Creek LM 0.89, Macon Co 2003170
- Bridge Imp to W. Wixtown Rd over West Fork Long Creek, LM 1.00, Macon Co 200318
- Bridge Imp to Trammel Creek Rd over Piz Trammel Creek, LM 0.01, Macon Co 2003
- Imp to SR 15 (US 64) at SR 117, McNairy Co > NOT IN TERRITORY! 200318
- Bridge Imp to SR 269 over Knob Creek, LM 11.10, Bedford Co 2001071
- Imp to SR 416-A, Two segments of Birds Creek Rd, Sevier Co 2003164
- Imp to Big-Pass Rd from SR 16 to Georgia Crossing Rd, Georgia Crossing Rd from Bypass Road to East of Greenville Dr in Franklin Co 2003168

- Bridge Imp to SR 127 over I-24, LM 3.74, Coffee Co 2002015
- Imp at SR 336 and Blockhouse Rd, Blount Co 2003185
- Imp to SR 400 Bridge over Brush Creek @ LM 4.99, Washington Co 200201
- Imp to SR 1 over Southern Railroad @ LM 19.47, Knox Co 2002009
- Bridge Imp to SR 2 over Duck River, LM 12.72, Coffee Co 2002016
- Bridge Imp to Hawkins Rd over Big Trammel Creek, LM 0.82, Macon Co 2001150
- Bridge Imp to SR 107 over Indian Creek, LM 8.69, Unicoi Co 2000154
- Bridge Imp to SR 37 (US 19E) over Doe River, LM 6.65, Carter Co 2002008
- Bridge Imp to Sycamore Rd over Sycamore Creek, LM 7.32, Cannon Co 20011
- Imp to SR 30 (White St) to near Davidson Rd, McMinn Co 2004005
- Bridge Imp to I-24 over Elk River @ LM 1.25 and over Patton ~~Creek~~ ^{Creek}
@ LM 1.57, Grundy Co 2003200



Creek Nation of Oklahoma

Cultural and Historic Preservation

December 11, 2003

Gerald Kline
State of Tennessee-Department of Transportation
Environmental Planning and Permits Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Subjects: SEE ATTACHED

Dear Mr. Kline:

In keeping with a government-to-government relationship and in compliance with 36CFR800, the Muscogee (Creek) Nation appreciates the invitation to participate as a consulting party.

At this time, we are unaware of any cultural or archaeological sites in the above project area that would be eligible for inclusion in the National Register.

In the event that human remains or culturally significant artifacts are inadvertently discovered during construction, please contact me at (918) 732-7732.

Respectfully,

Tim Thompson
Research Specialist
Muscogee Creek Nation

jj

SUBJECTS:

Section 106 Initial Coordination for Proposed Bridge Improvements to Ella West Road (A092) over East Fork Lynn Creek, LM 2.42, Giles County, Tennessee 2003192

Section 106 Initial Coordination for Proposed Bridge Improvements to Earl Townsend Road (A372) over West Fork Shoal Creek, LM 0.07, Giles County, Tennessee 2003191

Section 106 Initial Coordination for Proposed Bridge Improvements to Martin Luther King Drive (A584) over Branch, LM 0.08, Madison County, Tennessee 2003193

Section 106 Initial Coordination for Proposed Bridge Improvements to Binkley Acres Road (E488) over Brushy Fork Creek, LM 0.06, Anderson County, Tennessee 2003195

Section 106 Initial Coordination for Proposed Bridge Improvements to Beach Road (A045) over Morgan's Creek, LM 2.79, Overton County, Tennessee 2003197

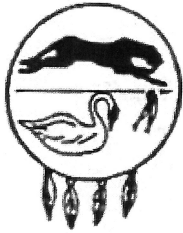
Section 106 Initial Coordination for Proposed Bridge Improvements to Beech Road (A045) over Bryan's Fork Creek, LM 0.93, Overton County, Tennessee 2003196

Section 106 Initial Coordination for Proposed Bridge Improvements to Trentham Hollow Road over Clear Creek, LM 2.95, Cocke County, Tennessee 2001126

X * Section 106 Initial Coordination for Proposed Bridge Improvements to State Route 126 (Memorial Blvd) from E. Center St. in Kingsport to I-81, Sullivan County, Tennessee 2003190

Section 106 Initial Coordination for Proposed Bridge Improvements to Yarnell Road (E516) over Little Dismal Creek, LM 0.96, Anderson County, Tennessee 2003194

Section 106 Initial Coordination for Proposed Bridge Improvements to State Route 70 over Nolichuncky River, LM 8.51, Green County, Tennessee 98059



EASTERN SHAWNEE TRIBE OF OKLAHOMA

P.O. Box 350 • Seneca, MO 64865 • (918) 666-2435 • FAX (918) 666-3325

November 24, 2003

Department of Transportation
Environmental Planning & Permitting Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Re: See Attached

To Whom It May Concern:

Thank you for notice of the referenced project(s). The Eastern Shawnee Tribe of Oklahoma is currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction. In the event any items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during construction, the Eastern Shawnee Tribe request notification and further consultation.

The Eastern Shawnee Tribe has no objection to the proposed construction. However, if any human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, the construction should stop immediately, and the appropriate persons, including state and tribal NAGPRA representatives contacted.

Sincerely,

Charles Enyart, Chief
Eastern Shawnee Tribe of Oklahoma

1. 7. Site 1: Culvert Improvements over westbound ramp of I-40 at Log Mile 12.23
Site 2: Bridge repair at the I-40 bridge over State Route 58 at Log Mile 12.34
2. Section 106 initial coordination for proposed improvements to State Route 126 (Memorial Blvd.) from E. Center St. in Kingsport to I-81, Sullivan County, Tennessee 2003190
3. Section 106 initial coordination for proposed bridge improvements to Yarnell Road (E516) over Little Dismal Creek, LM 0.96, Anderson County, Tennessee 2003194
4. Section 106 initial coordination for proposed bridge improvements to Ella West Road (A092) over East Fork Lynn Creek, LM 2.42, Giles County, Tennessee 2003192
5. Section 106 initial coordination for proposed bridge improvements to Earl Townsend Road (A372) over West Fork Shoal Creek, LM 0.07, Giles County Tennessee 2003191
6. Section 106 initial coordination for proposed bridge improvements to Martin Luther King Drive (A584) over Branch, LM 0.08, Madison County, Tennessee 2003193
7. Section 106 initial coordination for proposed bridge improvements to Binkley Acres Road (E488) over Brushy Fork Creek, LM 0.06, Anderson County, Tennessee 2003195
8. Section 106 initial coordination for proposed bridge improvements to Beech Road (A045) over Morgan's Creek, LM 2.79, Overton County, Tennessee 2003197
9. Section 106 initial coordination for proposed bridge improvements to Beech Road (A045) over Bryan's Fork Creek, LM 0.93, Overton County, Tennessee 2003194
10. Section 106 initial coordination for proposed bridge improvements to Trentham Hollow Road over Clear Creek, LM 2.95, Cocke County, Tennessee 2001120

ATTACHMENT G – HAZARDOUS MATERIALS CORRESPONDENCE

Farmer, John

From: Jeffrey Ballard <Jeffrey.Ballard@tn.gov>
Sent: Friday, January 03, 2014 11:43 AM
To: Farmer, John
Cc: JonnaLeigh Stack
Subject: HazMat Update for PIN 105467.00 - SR-126 East Center Street in Kingsport to I-81, Sullivan Co.

John,

Upon review of the Functional plans for SR 126 Sullivan County DEIS – Alternate B Modified, there do not appear to be any hazardous substance sites that will affect this project as it is currently located. There do not appear to be any significant changes within the proposed corridor. The findings in the Baseline Study Phase I Site Assessment of Underground Storage Tanks and Hazardous Material Sites State Route 126 Memorial Boulevard from Center Street to I-81 dated March 2008 are still valid. Available environmental databases were reviewed, including the TDEC Superfund Database, TDEC Registered UST database, and EPA's Enviromapper.

The previous DEIS listed three properties that would be evaluated as potential hazardous waste sites prior to submittal of the Final EIS. These properties were the English Cabinet Shop at 5236 Memorial Boulevard, Kingsport, TN, People's Food Court at 3104 Memorial Boulevard, Kingsport, TN, and Richard Chadbourne Property at 5340 Memorial Boulevard, Kingsport, TN. A Phase I Preliminary Assessment Study was conducted on these properties and the properties adjacent to them.

The Phase I report for the English Cabinet Shop recommends that this property and two near it have a follow up Phase II conducted. According to the Functional plans for SR 126 Sullivan County DEIS – Alternate B Modified, no ROW will be acquired from these properties. Unless the ROW changes, no further investigation is warranted.

The Phase I report for the Richard Chadbourne Property, currently identified as the Riviera Apartment Complex, indicated that no further investigation was warranted on this property or the properties adjacent to it.

The Phase I report for People's Food Store indicated that a Phase II Preliminary Site Investigation should be conducted on this property as well as the Garden Basket Convenience Store #4 at 3109 Memorial Boulevard, the Amoco Service Station at 3101 Memorial Boulevard, and B&W Cleaners at 3200 Memorial Boulevard. B&W Cleaners was identified in the previous DEIS as requiring a Phase II.

A Phase II Preliminary Site Investigation will be performed on the following properties during final design to ascertain the presence of possible contamination:

- Garden Basket Convenience Store #4 at 3109 Memorial Boulevard, Kingsport, TN
- Amoco Service Station at 3101 Memorial Boulevard, Kingsport, TN
- B&W Cleaners at 3200 Memorial Boulevard, Kingsport, TN
- Roadrunner Market at 4001 Memorial Boulevard, Kingsport, TN
- Greenwood Market at 5121 Memorial Boulevard, Kingsport, TN

In the event hazardous substances/wastes are encountered within the proposed right-of-way, their disposition shall be subject to all applicable regulations, including the applicable sections of the Federal Resource Conservation and Recovery Act, as amended; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended; and the Tennessee Hazardous Waste Management Act of 1983, as amended.

Jeffrey Ballard, P.E.

K.S. Ware & Associates

Hazmat Coordinator
Social and Cultural Resources Office
Environmental Division
Tennessee Department of Transportation
505 Deaderick Street – Suite 900
Nashville, TN 37243

615.532.8684
jeffrey.ballard@tn.gov

For Jim Ozment

Farmer, John

From: Jeffrey Ballard <Jeffrey.Ballard@tn.gov>
Sent: Wednesday, November 27, 2013 11:51 AM
To: Farmer, John
Subject: RE: SR-126 East Center Street in Kingsport to I-81
Attachments: E2137131_T3.People's Food Store.pdf

From: Jeffrey Ballard
Sent: Wednesday, November 27, 2013 11:49 AM
To: Farmer, John (jfarmer@icaeng.com)
Subject: SR-126 East Center Street in Kingsport to I-81

John,

Attached is copy of one of the Phase I reports that were conducted on the three properties that were mentioned in the Environmental Commitments for this project. One was completed for each site. The other two will be sent under separate e-mails due to size.

The report for the English Cabinet Shop recommends that this property and two near it have a follow up Phase II conducted. According to the Stripmap for Alt B MOD, no ROW will be acquired for these properties. Unless the ROW changes, it doesn't look like further study is warranted.

The report for the Riviera Apartment Complex at 5340 Memorial Boulevard indicated that no further investigation was warranted on this property or the properties adjacent to it are warranted at this time.

The report for People's Food Store indicated that a Phase II should be conducted on this property as well as Garden Basket Convenience Store #4; 3109 Memorial Boulevard, Amoco Service Station; 3101 Memorial Boulevard, and B&W Cleaners; 3200 Memorial Boulevard. B&W Cleaners was previously identified in the E Environmental Commitments as requiring a Phase II.

It appears that three site should be added to the Environmental Commitments to have a Phase II performed on them. The Phase II would probably be performed after ROW is set.

Please review the reports and let me know if you agree with my assessment.

Jeffrey Ballard, P.E.
K.S. Ware & Associates

Hazmat Coordinator
Social and Cultural Resources Office
Environmental Division
Tennessee Department of Transportation
505 Deaderick Street – Suite 900
Nashville, TN 37243

615.532.8684
jeffrey.ballard@tn.gov

For Jim Ozment

ATTACHMENT H – 2014 DEIS AGENCY COORDINATION



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

July 9, 2014

Mail Merge info

Subject: Request for Comments, Draft Environmental Impact Statement, SR 126 (Memorial Blvd.), from East Center Street in Kingsport to I-81, Sullivan County, Tennessee

Dear Mail Merge info:

The Tennessee Department of Transportation (TDOT) is proposing the above-listed highway improvements. In accordance with 23 CFR 771.123, TDOT has prepared a Draft Environmental Impact Statement (DEIS) for the subject project. The DEIS has been approved for circulation by the Federal Highway Administration.

We request that you submit your comments on the DEIS within 45 days (by Monday, August 25, 2014). If you have questions or need additional information, please contact me at Margaret.Slater@tn.gov or 615 253-0033.

Once all comments are received, TDOT will address the comments within the Final Environmental Impact Statement (FEIS). The FEIS will contain a summary of all received comments and a disposition that explains how the comments have been addressed. All technical studies in the FEIS will be updated from the DEIS, as needed.

Sincerely,

Margaret Slater, AICP
Manager, Major Projects Office

Enclosure



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Remediation
312 Rosa L. Parks
14th Floor
Nashville, TN 37243

Date: 7/16/2014

Re: Request for Comments, Draft Environmental Impact Statement
SR 126 (Memorial Blvd.) from East Center St. in Kingsport to I-81
Sullivan County

Dear: Margaret Slater

The Division of Remediation (DoR) has received your environmental review request on July 9, 2014, regarding the Request for Comments, Draft Environmental Impact Statement SR 126 (Memorial Blvd.) from East Center St. in Kingsport to I-81. After reviewing your maps and our project files, we concluded that there are no DoR sites that will be affected by the proposed activity.

If you have any further questions, do not hesitate to call Darrell Hale, our Johnson City Field Office manager, at (423) 854-5463

Sincerely,

A handwritten signature in cursive script that reads "Andy Binford".

Andy Binford
Director

RAB:RED

cc: Johnson City Field Office
Central Office files



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memphis Airports District Office
2862 Business Park Dr, Bldg G
Memphis, TN 38118-1555
Phone: 901-322-8180

August 1, 2014

Ms. Margaret Slater, AICP
Environmental Division
Tennessee Department of Transportation
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, TN 37243

Re: Draft EIS – SR 126 Improvements

Dear Ms. Slater:

We have reviewed the Draft Environmental Impact Statement (DEIS) you provided related to the proposed SR 126 improvements in Sullivan County, Tennessee. Based on the DEIS and documents in our office it has been determined that Indian Springs Airport (3TN0), Kingsport, TN is the closest airport facility to the proposed road project. Please coordinate any high lift construction equipment with the airport.

Please notify us if the project boundaries change.

Thank you for the opportunity to comment on this project.

Sincerely,

Original Signed by Stephen Wilson

Stephen Wilson
Community Planner



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

August 13, 2014

Ms. Margaret Slater
Tennessee Department of Transportation
Environmental Planning and Permits Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Subject: FWS# 13-I-0858. Concurrence Point 3. Proposed construction to State Route 126 (Memorial Boulevard), Sullivan County, Tennessee.

Dear Ms. Slater:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration, is initiating National Environmental Policy Act (NEPA) documentation and analysis for the proposed construction to approximately 8.4 miles of State Route 126 between East Center Street and Interstate 81 (I-81) in Sullivan County, Tennessee. The purpose of this project is to improve the existing two-lane roadway, reduce the crash rates, and enhance travel and emergency response times from East Center Street in Kingsport to I-81. TDOT, the City of Kingsport, and local citizens conducted a Context Sensitive Solutions process which documents the majority decisions made by a Community Resource Team on design elements, roadway cross sections, and components of the project's purpose and need.

You spoke with John Griffith of my staff on August 11, 2014, concerning the status of this project. Since the original issuance of the *Draft Environmental Impact Statement*, TDOT chose Alternative B as the final alignment and further refined it to minimize impacts. We concurred with the adequacy of the TESA Concurrence Point 4, *Preferred Alternative and Preliminary Mitigation*, in a letter to TDOT dated October 24, 2013. Please consider the following comments in development of the *Final Environmental Impact Statement*.

TDOT has committed to constructing the crossings perpendicular to the streams during low flow times to minimize impacts. We additionally recommend that consideration be given to construction of the crossings with bottomless culverts or a span bridge design to minimize any long-term alterations to stream functions (e.g., fish and other aquatic species passage, sediment transport, movement of woody debris, etc.).

Bat surveys were conducted along the proposed corridor in the summer of 2011 to establish whether the area is being utilized as summer roosting habitat by the Indiana bat. Based on negative results for this species, we concurred with TDOT's determination of "not likely to adversely affect" in a letter dated November 9, 2011. However, due to the time elapsed since surveys, TDOT will need to recoordinate with our office for potential impacts to the Indiana bat prior to letting of the project for construction.

The capture of two gray bats during survey efforts indicates that this species utilizes the area streams as travel/feeding corridors. Our database indicates that the nearest gray bat cave is Morrell Cave, approximately 10 miles east of the project. We are unaware of any caves that would be impacted by the project and are concerned mainly for water quality along travel/feeding corridors. Best management practices, to include stringent erosion and sediment control measures, should be sufficient to address our concerns for the gray bat.

The northern long-eared bat was proposed for federal listing under the ESA on October 2, 2013. No designated critical habitat has been proposed at this time. While proposed species are not afforded protection under the ESA, if/when the species is listed, the prohibition against jeopardy, and the prohibition against taking a listed species under section 9 of the ESA, becomes effective immediately, regardless of the proposed action's stage of completion. The listing decision for this species should be announced on or before April 2, 2015. If clearing of trees would occur after listing, we would need to coordinate for potential impacts.

If you have any questions regarding our comments, please contact John Griffith of my staff at 931/525-4995 or by email at john_griffith@fws.gov.

Sincerely,



Mary E. Jennings
Field Supervisor



United States Department of Agriculture

August 20, 2014

State of Tennessee
Dept. of Transportation, Environmental Division
Attn: Margaret Slater, AICP
Manager, Major Projects Office
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-1402

Re: Draft Environmental Impact Statement (DEIS) for State Route 126 (Memorial Blvd.), from East Center Street in Kingsport to I-81, Sullivan County, Tennessee

Dear Ms. Slater:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for State Route 126 (Memorial Boulevard), from East Center Street in Kingsport to I-81, Sullivan County Tennessee, provided to this office on July 9, 2014.

The Natural Resources Conservation Service (NRCS) in Tennessee is pleased to see that comments and information provided for the preparation of the DEIS for prime farmland conversions and hydric soils are incorporated in the DEIS. We do not have any changes or additional information to provide for these elements in the project area.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Brown", with a stylized flourish at the end.

Kevin Brown
State Conservationist

Natural Resources Conservation Service
675 US Courthouse, 801 Broadway
Nashville, Tennessee 37203
Voice (615) 277-2531 Fax (615) 277-2577
An Equal Opportunity Provider and Employer



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

ROBERT J. MARTINEAU, JR.
COMMISSIONER

BILL HASLAM
GOVERNOR

August 21, 2014

Via First Class Mail and Electronic Mail to Ann.Epperson@tn.gov
Tennessee Department of Transportation
505 Deaderick Street, Suite 900
Nashville, Tennessee 37243

RE: Project State Route 126 (Memorial Boulevard) Corridor Improvement Projects, Sullivan County, Tennessee

Dear Ms. Epperson:

Applicable divisions within the Tennessee Department of Environment and Conservation ("TDEC") have reviewed the following document as part of the ongoing review of State Route 126 (Memorial Boulevard) Corridor Improvement Project from East Center Street to Interstate 81 in Sullivan County, Tennessee under the Tennessee Environmental Streamlining Agreement ("TESA"):

Draft Environmental Impact Statement, attachments and appendices

TDEC appreciates the opportunity to provide comments on the draft document.

The Tennessee Department of Transportation ("TDOT"), in cooperation with the Federal Highway Administration ("FHWA"), proposes to improve State Route 126 (Memorial Boulevard) from East Center Street, within the City of Kingsport's city limits, east to Interstate 81 for a distance of 8.4 miles. The Draft Environmental Impact Statement (DEIS) evaluates a no build alternative and two build alternatives- A and B. The proposed project would improve SR 126 to a four-lane facility (two travel lanes in each direction) within the commercial and residential areas of the western half of the study corridor. The eastern half of the study corridor, which is rural in nature, will remain a two-travel lane facility. Improved shoulders will be provided along the entire corridor and sidewalks will be extended to the majority of the commercial and residential areas.

The DEIS states that the purpose of the proposed project is to "provide a safe, efficient route for local traffic between the City of Kingsport and I-81." The DEIS also notes that State Route 126 was the initial Context Sensitive Solutions Project for Tennessee and included a Community Resource Team that assisted with the development of the alternatives.

In reviewing the DEIS, TDEC notes that much of the information is dated by a couple of years. TDEC recommends TDOT update all relevant data and information prior to completing the final DEIS. In particular, TDEC notes that six (6) sites were noted in the DEIS as needing some sort of follow-up investigation or evaluation given the business operations that are and have historically occurred on those sites. TDEC recommends, as noted below in the environmental commitment section, that all the

information pertaining to these sites that has been developed between the original time frame for this DEIS and the final DEIS be included and discussed in the final DEIS, including any additional, necessary environmental commitments.

The Division of Water Resources has reviewed the DEIS and notes that Alternative A would require a total of 1,278 feet of culverts to be constructed and a total of 3,585 feet of stream would be relocated within the project's proposed right-of-way. Alternative B would require a total of 846 feet of culverts to be constructed and a total of 2,261 feet of stream would be relocated within the project's proposed right-of-way. The Division requests that TDOT commit to using natural stream design for relocations greater than 200 feet in length where practicable.

The Division of Solid Waste Management has reviewed the DEIS and notes that any asbestos encountered in the displacements that will occur with either Build Alternative should be managed in accordance with appropriate regulations and law and disposed of in an approved landfill. Similarly, any contaminated soils/debris from commercial sources should be evaluated, a determination made, and the materials should be handled in accordance with appropriate regulations and law.

The Division of Air Pollution Control has reviewed the DEIS and notes that two air monitoring stations are located within 1000 to 1500 feet of the proposed project. One site is operated by Eastman Chemical and the other is the Division's Blountville ozone monitoring site. Although it appears the specific monitoring sites are located outside the proposed construction right-of-way, use of certain equipment and activities associated with construction of the proposed project could adversely impact the monitors and monitoring activities. High readings at these monitors could impact the area's ability to remain in attainment for one or more pollutants, which could then impact the area's ability to continue economic development and growth. TDEC recommends TDOT coordinate with the Division of Air Pollution Control to plan for and establish mitigating measures to be incorporated into bid specifications to reduce the potential impacts to these monitors and local air quality during construction. The Division also notes that long-term traffic volume may be a concern, but it appears both existing and future traffic volumes, as included in Table 1.5.6 of the DEIS do not approach traffic volumes that would be a concern for ozone or other pollutants.

The Division also notes that each owner or operator of a demolition activity is required to thoroughly inspect the facility for the presence of asbestos prior to the commencement of the demolition (Rule 1200-03-11-.02(2)(d)1). The person inspecting a structure for asbestos containing material must be accredited by the state of Tennessee. Additionally, Division Rule 1200-03-11-.02(2)(d)2., subparts (i) and (iii)(I), requires each owner or operator of a demolition activity to provide the Technical Secretary of the Division with written notice of intention to demolish at least ten working days before demolition begins. Notification is required even when there is no asbestos present.

The Division of Natural Areas has reviewed the DEIS and has no comments.

TDEC recognizes the following environmental commitments included in the DEIS for the proposed project:

- Three (3) sites will be evaluated as potential hazardous waste sites prior to submittal of the final EIS- the information from this evaluation should be included in the final EIS.

- Three (3) parcels will receive a Phase II Environmental Site Investigation- if this work has been completed, the information and Phase II reports should be included in the final EIS and discussed.
- Trees with a diameter at breast height of five inches or greater will not be removed from October 15-March 31.
- An MOA with the State Historic Preservation Office will be prepared and signed prior to the approval of the Final EIS.
- If archaeological materials are uncovered during construction, all construction work in the area of the find will cease and the Tennessee Division of Archeology and recognized Native American Tribes will be immediately contacted. Any sites identified during construction of the proposed project will be monitored during construction activities to ensure that the areas are avoided and not utilized as equipment staging areas or otherwise impacted by the construction of the project.
- A volunteer fire department station (Number Four) will be acquired and relocated with either Build Alternative. The relocation process will be carried out in such a manner as to ensure no interruption of service occurs to area residents.

Thank you again for the opportunity to provide comments on the above-referenced document. With the comments included in this letter addressed in the final Environmental Impact Statement, TDEC has identified no compelling reason to withhold concurrence for State Route 126 (Memorial Boulevard).

Please do not hesitate to contact me should you have any questions regarding TDEC's comments.

Sincerely,



Michelle B. Walker
Director, Policy and Planning

cc (via electronic mail): Shari Meghreblian, *Deputy Commissioner for Environment, TDEC*
 Britton Dotson, *Division of Water Resources, TDEC*
 Jimmy Smith, *Division of Water Resources, TDEC*
 Barry Brawley, *Division of Remediation, TDEC*
 Jeff Norman, *Division of Solid Waste, TDEC*
 Lacey Hardin, *Division of Air Pollution Control, TDEC*
 Stephanie Whitaker, *Division of Natural Areas, TDEC*
 Jim Ozment, *TDOT*

Kingsport MPO
Comments / Concerns on State Route 126 Project
For Environmental Document
August 21, 2014

- Proposed Roundabout at Center Street – this would likely be a 2 lane roundabout – this needs to be thoroughly studied for operational issues.
- Section from Center Street to John B. Dennis Highway (SR 93) – recommend continuous center turning lanes (eliminate initial plan to include grass medians. Note; there are too many curb cuts that currently exists that would be removed creating significant side-street level of service and access issues if a grass median with limited turning lanes were installed.
- Section from John B. Dennis Highway (SR 93) to Harbor Chapel Road – recommend continuous center turning lanes – this keeps design and operations consistent with the previous section.
- Section from Hawthorn to Beverly Hills Road – need to insure alignment corrects sharp curves and severe sight distance problems that exists along this section. Use northern alignment (will require taking of several homes to the north side).
- Section from Beverly Hills Street to Harbor Chapel Road – move entire alignment (cross-section) southward to open field (mini-farm) – which eliminates taking of several houses to the north side of the alignment.
- Section from Harbor Chapel Road to 100 yards past Old Stage Road – current plans include sidewalks on both sides. No residential or commercial access exists on the north side, significantly reducing need for sidewalks on this side – therefore we are suggesting to remove sidewalk on this side, but keep sidewalk on south sides. This will free up some space to add an 8 to 10 foot center median (or barrier) of some type (concrete, grass, or other) to provide separation from on-coming traffic, which is a constant safety hazard that currently exists. The sidewalks on both sides or the alternative “center barrier and sidewalk on south side” could impact the taking of additional right-of-way on the south side. In order to mitigate this we suggest installing retaining walls where necessary.
- The “S Curves” found in the section from Old Stage Road to Holiday Hills road should be softened (straightened) more. Significant horizontal curvature still exists in the preliminary plans. This section could also get by with sidewalks on one side only.

- Section from Holiday Hills to Cemetery Property – in order to reduce cut and fill consider installing sidewalks on one side (south side) and add a couple more feet to shoulders on north side.
- Section from west end of Cemetery to Cook's Valley Road – to reduce cut and fill consider sidewalks on one side (south side) and add a couple feet to shoulders on north side. Also add a west-bound turning lane to the approach to Cook's Valley Road in project.
- Consider removing apartment building on south side of SR 126 adjacent to Shuler – for better access and site distance from Shuler (as opposed to closing Shuler).
- Add fiber-optic cabling (underground) throughout entire project – for future use (camera systems, computer access, variable message boards, other communication needs).
- Where possible throughout the entire project wide shoulders (6 to 10 feet) should be installed in order to provide safer clear zones and/or forgiveness zones and to also provide pullover areas for motorists (and location for police and emergency vehicles to park, when needed). This is important !



COLLABORATION MEETING MINUTES

Groundbreaking by Design.

Project: SR 126; From East Center Street in Kingsport to East of Cooks Valley Road, Sullivan County

Project No: 82085-0225-14, PIN 105467.01

Contract: E1745

Meeting Date: August 7, 2014

Prepared By: Chris Jenkins

Attendees:

Freddie Miller	TDOT – Consultant Management (via phone)
Danny Oliver	TDOT – Region 1, Development Director (via phone)
Bill Albright	Kingsport MPO
Troy Ebbert	Kingsport MPO
Michael Thompson	Kingsport MPO
Charles Melhart	Qk4 (via phone)
Cody Humble	Qk4 (via phone)
Chris Jenkins	Qk4
Brian Johnson	Qk4
Gary King	TDOT – Consultant Management (absent b/c of Jury Duty)

Purpose: A collaborative discussion between TDOT, Kingsport MPO, and Qk4 regarding various design components of the proposed design SR-126 Memorial Blvd (Sullivan County, TN).

Brian Johnson:

- Opened meeting with introductions.
- Briefly went over proposed schedule

Freddie Miller:

- PE is the only phase currently funded at this time
- ROW is not yet funded for the project

Danny Oliver:

- Final Environmental Document is anticipated complete by the end of 2014

**SR-126, Sullivan County
Collaboration Meeting Minutes**

August 7, 2014

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Brian Johnson facilitated discussions of various design sections:

- **Section 1** – Beginning of project at East Center Street to west of Hawthorne Street
 - Attributes (Approx. 1.0 mile section)
 - 35 mph design speed
 - 11 ft. travel lanes, 2 in each direction
 - 12 ft. wide raised grass median
 - Both sides
 - 4 ft. wide shoulders to accommodate bicyclists
 - Curb and gutter, grass strip and sidewalks
 - May have to “design around” 3 possible sinkholes at Orebank Road proposed tie-in
 - Plans currently call for capping existing sinkhole and placing new centerline of Orebank Road on top of the sinkhole
 - City of Kingsport has no objection to Orebank Road being built over the sinkhole, provided it is permitted by TDEC and constructed accordingly.
 - City of Kingsport has 2’ contour information available from the last time they had aerials generated.
 - Bill Albright asked about the grass median – Can it be eliminated?
 - Grass medians intended to assist with access control
 - TDOT suggested evaluation of traffic movements before making determination
 - Discussed possibility of allowing Hillcrest Drive to remain open as a “right-in-right-out” only, due to having the raised median that would prevent left turns.
 - Bill anticipates much resistance if Hillcrest Drive is proposed to be closed at SR-126.
 - Qk4 will evaluate shifting SR126 alignment southwest near Heather Lane and Hawthorne Street to bring alignment within design standards.
 - Improved access (vertical alignment) for apartment complex entrances
 - Improved safety (sight distance)
 - May reduce number of relocations on the north side of SR-126
- **Section 2** – West of Hawthorne Street to Harbor Chapel Road
 - Attributes (Approx. 0.5 mile section)
 - 35 mph design speed
 - 11 ft. travel lanes, 2 in each direction
 - 12 ft. center two-way turn lane
 - Both sides
 - 4 ft. wide shoulders to accommodate bicyclists
 - Curb and gutter, grass strip and sidewalks
 - Qk4 will evaluate shifting SR-126 alignment south near Beverly Hills Street at request of MPO
 - Reduce severity of SR-126 horizontal curve near Beverly Hills Street intersection.
 - MPO has received numerous requests from property owners on the north side within this vicinity to consider shifting alignment toward the empty field to minimize relocations.

**SR-126, Sullivan County
Collaboration Meeting Minutes**

August 7, 2014

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- **Section 3** – Harbor Chapel Road to east of Old Stage Road
 - Attributes (Approx. 0.6 mile section)
 - 45 mph design speed
 - 12 ft travel lanes, 1 in each direction with an eastbound truck climbing lane
 - Both sides
 - 6 ft. wide shoulders to accommodate bicyclists
 - Curb and gutter, grass strip and sidewalks
 - Bill identified this section as the focal point of the MPO's concerns for the project
 - Eastbound motorists "race" up the hill to be the first one to the merge location and often encroach into oncoming traffic, thus contributing to head-on collisions.
 - Due to the number of questions the MPO had related to this section, it was agreed that the MPO would assemble them in written format and submit to TDOT for consideration. A follow-up meeting could then be scheduled to address these concerns.
 - Can sidewalk be eliminated from one side? Suggested eliminating the sidewalk on the north side throughout this section similar to Section 5.
 - Can there be some sort of separation of traffic (raised median, etc.) introduced in this section of the project?
- **Section 4** – East of Old Stage Road to LeMay Drive
 - Attributes (Approx. 1.2 mile section)
 - 45 mph design speed
 - 12 ft travel lanes, 1 in each direction
 - 12 ft center two-way turn lane
 - Both sides
 - 6 ft. wide shoulders to accommodate bicyclists
 - Curb and gutter and sidewalks
 - Discussed the fact that there has been no resistance yet to the proposed closing of Holiday Road and Shuler Drive at the intersection of SR-126. The closure of these two streets will require construction of a Parker Street Connector tying the two neighborhoods together. Resistance is anticipated.
- **Section 5** – LeMay Drive to Cooks Valley Road
 - Attributes (Approx. 0.7 mile section)
 - 45 mph design speed
 - 12 ft travel lanes, 1 in each direction
 - 12 ft center two-way turn lane
 - Both sides
 - 4 ft. wide shoulders to accommodate bicyclists
 - Curb and gutter
 - Sidewalk on south side only
 - Kingsport requests making sure that the WB turn lane to Cooks Valley Road is included into this phase of the SR-126 improvements.

**SR-126, Sullivan County
Collaboration Meeting Minutes**

August 7, 2014

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- **Section 5 (Compact)** – At Yancey’s Tavern and East Lawn Memorial Garden
 - Attributes (Approx. 650 ft. section)
 - 45 mph design speed
 - 11 ft travel lanes, 1 in each direction
 - 11 ft center two-way turn lane
 - Both sides
 - 4 ft. wide shoulders to accommodate bicyclists
 - Curb and gutter
 - Retaining walls
 - Sidewalk on south side only
 - Mike asked about the possibility of making the center turn lane 12’. Can this be accomplished by taking width from the bike lane?
 - Discussed making sure aesthetics were considered in the vicinity of Yancey’s Tavern due to preserving the historic nature. Consideration shall be given to viewshed from Yancey’s Tavern and toward Yancey’s Tavern.

Other Discussion Topics:

- East Center Street Intersection with SR-126 options were considered/discussed.
 - Bill advised that the intersection was originally a roundabout years ago. It was referred to as the “upper circle”.
 - City of Kingsport does not have a strong preference as to the proposed intersection type. However, Mike will do a check on political will to verify.
 - Mike was of the opinion that the traffic numbers should be the determining factor in deciding the type of intersection. He agreed that the option handling the traffic in the most efficient manner should be the one chosen.
 - It was discussed that Kingsport currently does not have a two-lane roundabout.
- Drainage
 - Charlie asked the City if they had a preferred method in which to handle drainage at some of the large cuts. Different options were discussed:
 - Charlie pointed out that some agencies discouraged allowing water to drain across the sidewalk and over the curbs.
 - If the aforementioned is not allowed, a ditch will need to be introduced behind the berm, thus requiring an additional 20-50 feet +/- for purposes of “daylighting” the cuts.
 - Discussed possibility of using a combination of retaining walls and ditches to minimize cuts. However, cost and aesthetics need to be considered.
 - Mike suggested maybe eliminating the grass strip (shifting sidewalk immediately against the back of curb) to assist with accommodating additional room required for drainage ditches. Continuity throughout the entire project length needs to be considered as part of the decision regarding drainage.

ACTION ITEMS:

1. Kingsport MPO will generate a list of questions pertaining the various items discussed and noted above and present those questions to TDOT for consideration.
2. Once TDOT and Qk4 have an opportunity to consider and evaluate the items noted by Kingsport, Qk4 will schedule a follow-up meeting.

End of Meeting Notes

SR 126 (MEMORIAL BLVD)
COLLABORATION MEETING WITH KINGSFORT MPO
SIGN IN SHEET
AUGUST 7, 2014

NAME: Brian Johnson TELEPHONE #: 423-989-0904 CELL #: 423-341-2764

FIRM OR DEPT.
REPRESENTED:

Qk4

COMPLETE BUSINESS
ADDRESS:

1135 Volunteer Pkwy Suite 16

E-MAIL ADDRESS:

bjohnson@qk4.com

NAME: Chris Jenkins TELEPHONE #: 865-661-1554 CELL#: 865-254-3118

FIRM OR DEPT.
REPRESENTED:

Qk4

COMPLETE BUSINESS
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101 Sherlake Drive, Suite 105

Knoxville, TN 37922

E-MAIL ADDRESS:

cjenkins@qk4.com

NAME: Michael Thompson TELEPHONE #: 423-224-2748 CELL #: -

FIRM OR DEPT.
REPRESENTED:

Kingsport MPO

COMPLETE BUSINESS
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225 W. Market Street Kingsport TN 37660

E-MAIL ADDRESS:

Michael Thompson @ KingsportTn.gov

NAME: Troy Ebbert TELEPHONE #: 423-224-2670 CELL #: -

FIRM OR DEPT.
REPRESENTED:

Kingsport MPO

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225 W. Market Street, Kingsport TN 37660

E-MAIL ADDRESS:

Troy Ebbert @ KingsportTN.gov

NAME: Bill Albright TELEPHONE #: 423-224-2011 CELL # 423-803-3559

FIRM OR DEPT.
REPRESENTED:

Kingsport Tn / Va MPO

COMPLETE BUSINESS
ADDRESS:

225 W Market Street Kingsport, TN 37660

E-MAIL ADDRESS:

BillAlbright@KingsportTn.gov

NAME: _____ TELEPHONE #: _____ CELL #: _____

FIRM OR DEPT.
REPRESENTED:

COMPLETE BUSINESS
ADDRESS:

E-MAIL ADDRESS:



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

August 25, 2014

Margaret Slater
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street, Suite 900
James K. Polk Building
Nashville, TN 37243-0334

Re: Draft Environmental Impact Statement
State Route 126 (Memorial Blvd.) from East Center Street in Kingsport to I-81, Sullivan
County, TN

Dear Ms. Slater:

The Tennessee Wildlife Resource Agency has received and reviewed the information your office provided to us regarding the Draft Environmental Impact Statement for State Route 126 (Memorial Blvd.) from East Center Street in Kingsport to I-81, Sullivan County, Tennessee. We recommend that Alternative B be given serious thought for the preferred alternative since Alternative B has fewer stream and floodplain impacts. Also, Alternative B requires fewer relocations to complete the project.

Thank you for the opportunity to review and comment on this proposed project.

Sincerely,

Robert M. Todd
Fish and Wildlife Environmentalist

cc: Vincent Pontello, Wildlife Biologist/East TN TDOT Liaison
Rob Lindbom, Region IV Habitat Biologist
John Gregory, Region IV Manager
Jim Ozment, TDOT
JonnaLeigh Stack, TDOT

The State of Tennessee

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DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

August 26, 2014

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: File No. 2009-00048; Draft Environmental Impact Statement for Proposed Improvements to State Route 126 (Memorial Boulevard) from East Center Street, in Kingsport, to Interstate 81, in Sullivan County, Tennessee [TDOT Pin 105467.00]

Ms. Margaret Slater
Manager, Major Projects Office
Tennessee Department of Transportation
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Ms. Slater:

This is in response to your request for U.S. Army Corps of Engineers' (Corps) comments regarding the Draft Environmental Impact Statement (DEIS) for State Route 126 Improvements in Sullivan County, Tennessee. This office's comments are provided pursuant to the National Environmental Policy Act and Section 404 of the Clean Water Act (CWA). Comments have previously been provided by this office pursuant to the Tennessee Environmental Streamlining Agreement (TESA). Please refer to File No. 2009-00048 in any future correspondence to this office concerning the subject project.

The DEIS provides information concerning alternatives and preliminary mitigation options for the proposed highway improvement. The document evaluated three alternatives/alignments for the proposed project. These alternatives included the No-Build Alternative, Alternative A, and Alternative B. Review of environmental and public impacts indicates that Alternative B would minimize residential/business displacements, wetland/stream impacts, floodplain impacts, impacts to threatened/endangered species, and farmland impacts. Please be advised that when a Department of the Army (DA) permit application is submitted, the Corps will also evaluate alternatives pursuant to the Section 404(b)(1) Guidelines. The Section 404(b)(1) Guidelines require a determination that the proposed project as described in the DA permit application is the "Least Environmentally-Damaging Practicable Alternative".

Potential impacts to perennial and intermittent streams are addressed; however, ephemeral streams may also be waters of the U.S and subject to Section 404 of the CWA permitting requirements. Therefore, any impacts to ephemeral streams should be included in the DEIS where appropriate, including Table A in Summary, Chapter 4.0, and the Comparisons of Stream Impacts in Linear Feet. Additionally, mitigation of stream impacts is discussed in the Water

Quality section. While it is correct that typically "mitigation is required for all stream impacts which do not meet requirements for certain Nationwide Section 404 permits", it is also true that compensatory mitigation may be required for certain Nationwide Permits to ensure lost aquatic resource function is replaced. If compensatory mitigation is required for Nationwide Permits and/or Standard Permits, compliance with 33 CFR 332 (Compensatory Mitigation for Losses of Aquatic Resources) must be demonstrated. We recommend that a stream and wetland delineation of the sites be provided to this office for verification prior to submittal of a DA permit application.

Thank you for coordinating the DEIS with this office. If we can be of further assistance, or if you have any questions regarding DA permit requirements, please contact Amy Robinson at the above address, telephone number 615-369-7507, or email at amy.m.robinson@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Reusch', with a long horizontal flourish extending to the right.

Eric Reusch
Chief, Eastern Regulatory Section
Operations Division